

Henry M. Henderson to be postmaster at Verndale, Wadena County, Minn.

Raleigh M. Pope to be postmaster at Mora, Kanabec County, Minn.

Justin E. Stiles to be postmaster at Wells, Faribault County, Minn.

## MISSOURI.

Isaac N. Barnett to be postmaster at Piedmont, Wayne County, Mo.

William E. Burns to be postmaster at Appleton City, St. Clair County, Mo.

John W. S. Dillon to be postmaster at Grant City, Worth County, Mo.

Thomas J. C. Fagg to be postmaster at Louisiana, Pike County, Mo.

William J. Godt to be postmaster at New Haven, Franklin County, Mo.

Leo W. McDavitt to be postmaster at La Plata, Macon County, Mo.

Frank C. Miller to be postmaster at Oran, Scott County, Mo.

David B. Ormiston to be postmaster at Linneus, Linn County, Mo.

Edwin Pidgeon to be postmaster at Ferguson, St. Louis County, Mo.

William A. Ulery to be postmaster at Elsberry, Lincoln County, Mo.

Frank L. Wilson to be postmaster at Bowling Green, Pike County, Mo.

## NEVADA.

J. A. Rogers to be postmaster at Winnemucca, Humboldt County, Nev.

## NEW HAMPSHIRE.

Charles E. Buzzell to be postmaster at Lakeport, Belknap County, N. H.

George L. Stockell, jr., to be postmaster at Exeter, Rockingham County, N. H.

## NEW JERSEY.

Henry S. Garretson to be postmaster at Dunellen, Middlesex County, N. J.

Richard Willard Sloat to be postmaster at Hudson Heights, Hudson County, N. J.

## NEW MEXICO.

Bonifacio Lucero to be postmaster at Santa Rosa, Guadalupe County, N. Mex.

## NEW YORK.

Lucius R. Doty to be postmaster at Catskill, Greene County, N. Y.

George T. Eveland to be postmaster at Franklin, Delaware County, N. Y.

Seraph E. Wolcott to be postmaster at Keeseville, Essex County, N. Y.

## NORTH DAKOTA.

Hans A. Alm to be postmaster at Hankinson, Richland County, N. Dak.

John E. Jenks to be postmaster at Souris, in the county of Bottineau and State of North Dakota.

Charles Leathart to be postmaster at Fairmount, Richland County, N. Dak.

Harry Leighton to be postmaster at Cavalier, in the county of Pembina and State of North Dakota.

Charles N. Murphy to be postmaster at Neche, in the county of Pembina and State of North Dakota.

Harry A. Nicholson to be postmaster at Crary, in the county of Ramsey and State of North Dakota.

August H. Wahl to be postmaster at Washburn, in the county of McLean and State of North Dakota.

Hartwick C. Westby to be postmaster at Maddock, in the county of Benson and State of North Dakota.

## OKLAHOMA.

Joshua F. Farris to be postmaster at Billings, Noble County, Okla.

## PENNSYLVANIA.

Joseph M. Bloss to be postmaster at Titusville, in the county of Crawford and State of Pennsylvania.

Caleb S. Brinton to be postmaster at Carlisle, Cumberland County, Pa.

John N. Dearsam to be postmaster at McKeesport, in the county of Allegheny and State of Pennsylvania.

George S. Mullin to be postmaster at Hyndman, Bedford County, Pa.

Clayton F. Miller to be postmaster at North Girard, in the county of Erie and State of Pennsylvania.

## RHODE ISLAND.

William M. Gorham to be postmaster at Bristol, Bristol County, R. I.

Benjamin B. Martin to be postmaster at Warren, Bristol County, R. I.

## SOUTH DAKOTA.

Allen M. Nixon to be postmaster at Milbank, in the county of Grant and State of South Dakota.

John W. Jordan to be postmaster at Presho, in the county of Lyman and State of South Dakota.

## WASHINGTON.

Minor McLain to be postmaster at Ferndale, Whatcom County, Wash.

## WISCONSIN.

Wilbur H. Bridgman to be postmaster at Stanley, Chippewa County, Wis.

Edward B. Mattoon to be postmaster at Sheboygan, Sheboygan County, Wis.

H. B. Quimby to be postmaster at Reedsburg, Sauk County, Wis.

## STATUS OF NATURALIZED CITIZENS.

The injunction of secrecy was removed January 13, 1908, from a convention signed at Rio de Janeiro on August 13, 1906, by the delegates of the Governments represented at the Third International Conference of American States, establishing the status of naturalized citizens who again take up their residence in the country of their origin.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 13, 1908.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, January 11, 1908, was read and approved.

## SECOND HOMESTEAD ENTRIES.

Mr. GRONNA. Mr. Speaker, I ask unanimous consent for the bill (H. R. 300) providing for second homestead entries, with an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That any person who, prior to the passage of this act, has made entry under the homestead laws, but from any cause has lost or forfeited the same, shall be entitled to the benefits of the homestead law as though such former entry had not been made, and any person applying for a second homestead under this act shall furnish the description and date of his former entry.

The report of the committee (inserted by unanimous consent) is as follows:

## REPORT.

[To accompany H. R. 300.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 300) providing for a second homestead entry, report the same back with the recommendation that it do pass.

The necessity for and advisability of legislation from time to time providing for second homestead entries in cases where the entryman has been unable to perfect title to the land covered by his first entry has long been recognized by Congress. In 1880 and again in 1900 legislation of this character was had, and as time passes and the public lands subject to homestead entry are largely in regions where the perfecting of homestead entries is surrounded by many difficulties the necessity for the legislation increases.

The American homesteader is constantly pushing forward from the confines of settlement on to new lands, and passing beyond the region of assured and plentiful rainfall he has, from time to time, invaded territory where conditions were such as to render it impossible for him in many cases to retain his land and obtain title to it. Years of extreme drought and other conditions—sometimes permanent in character, sometimes temporary—have often compelled him to give up the struggle, and yet the spirit of the pioneer is so strong in the breast of many of these men that after a lapse of a few years, during which time they have been able to somewhat recoup their fortunes, they desire to again make an effort to secure a home on the public lands.

These men make the best and most successful homesteaders in the regions where conditions are trying for the pioneer. They have had experience which qualifies them to cope with the conditions more successfully than the man who has never made the attempt and is unfamiliar with conditions in the region in which he desires to settle.

In the past few years the adoption of improved methods of cultivation and the introduction of crops suitable to semiarid regions have encouraged the settlement of lands which a few years ago were considered valueless except for grazing purposes. To cope with the situation in such regions no man is so well qualified as he who has had experience under somewhat similar circumstances.

This bill was referred to the Secretary of the Interior, and his favorable report on the legislation accompanies and is made part of this report.

DEPARTMENT OF THE INTERIOR,  
Washington, January 4, 1908.

SIR: I am now in receipt, by your reference, of H. R. bill No. 300, providing for second homestead entries, with the request that this Department make a report thereon with suggestions relative to its passage.

The provisions of this bill are very much akin to the provisions of the act of March 2, 1889 (25 Stat., 854), and the act of June 5, 1900 (31 Stat., 672), and is more liberal in its terms than the act of April 28, 1904 (33 Stat., 527), in that this bill proposes to allow second entries to persons who have prior to its passage, for any cause, lost or forfeited entries made by them, while the act of 1904 limits this right to persons who are unable to perfect their entries on account of some unavoidable complication in their personal or business affairs, or who were honestly mistaken in the character of the land entered by them. This bill is distinguished from the act of 1904 by the further fact that that act required a showing that the former entry had not been relinquished or abandoned for a consideration, while this bill contains no such provision. The present bill will be easier to execute than was the act of 1904, and if Congress deems it wise to grant the right of second entry on the terms provided this Department knows of no reason why this bill should not become a law.

Very respectfully,

JAMES RUDOLPH GARFIELD,  
Secretary.

Hon. F. W. MONDELL,  
Chairman Committee on the Public Lands,  
House of Representatives.

The SPEAKER. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, reserving the right to object, I would like to have that bill explained. I would ask if the bill has been unanimously reported by the committee and would like to have some explanation of it. It seems to be a matter of general legislation.

Mr. GRONNA. Mr. Speaker, I would say to the gentleman from Texas that the Committee on the Public Lands has made a unanimous report favoring this bill. It is exactly the same law as was passed in June, 1900, with the exception that there is this addition, that the person applying for a second homestead entry shall furnish the description of his former entry. The amendment that I offered this morning makes it impossible for anyone who has relinquished his former entry for a consideration to be entitled to take a homestead under this bill.

I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, as a member of the committee that dealt with the bill under consideration, I desire to say that I think it preserves every interest manifest in the provisions of the homestead law. I take it that this House is eminently qualified and likewise has a true anxiety to protect the spirit of the homestead law, and anything that deviates from a true protection of its wise and beneficent provisions would, I take it, meet with painstaking opposition from the Members of this House. On the other hand, I feel that if this proposed measure lends dignity, uniformity, aid, and assistance to the present provisions of the homestead law, and in addition thereto rewards unfortunate and honest home seekers and prospective home builders who have honestly and faithfully tried to procure and establish a home on the public domain, but by reason of accident, mistake, inadvertence, or other unfortunate circumstances have failed, then, and in that event, I am quite sure it would meet with approval at the hands of this House, and they would at once become friends of this measure.

The proposed measure provides that any person who prior to the passage and approval of this bill has entered Government land, but for any cause has lost or forfeited his rights thereunder, totally failing to acquire title to any part of the public domain, shall have the right to take or file again. This is the first part of the measure. The amendment or second part of the measure is the entryman shall only be allowed to take again or avail himself of the provisions of this measure where he has not received anything of value for the former entry and where his former entry has not been canceled for fraud. This feature of the measure is an ample safeguard against any possible wrongdoers, and I am sure will allay the suspicions and anxiety of any Member who seeks to oppose the provisions of this law.

I have an abiding faith that the Members of this House have true and well-defined ideas to reward the bona fide home seeker and home owner and think, further, that for the benefit of some of the gentlemen who have not lived in the Western public-land countries, where homesteading has prevailed for a series of years, and must of necessity be largely unfamiliar with the minutia of the different openings, a word to them explanatory would not be out of place.

In the former openings many novel and weird ideas have prevailed. Some of the openings have been by horse race, where the speed of the horse determined the quality of the home selected. In others by a lottery, where it was purely a game of chance.

Time, consideration, and judgment could not be consulted in this manner of opening public lands, and the home seeker de-

sirous of procuring a home for himself and his posterity must select under those very adverse circumstances. After the hasty selection was made under the strain and excitement of a public opening and when time and cooler judgment had returned, then when the homesteader, the home seeker, the man for whom the wise and beneficent provisions of the homestead law were enacted, gathers his loved ones around him and sets out to hunt corner stones and locate his claim, and finds that he has located on a sandhill, on a rocky knob, in a ravine, on a cactus or alkali spot, what is he to do? Lo! this measure offers the relief that this Congress and the true provisions of the homestead law intend, namely, that of backing off and making another selection. Is he, with an honest heart and a true American desire, to be thwarted from an additional chance or an additional entry? No, indeed. Those who oppose the bill are men who from other localities have been unable to acquaint themselves with the true condition of making a hasty selection of a home on the public domain.

The homestead law, as I firmly believe, was to furnish homes for the homeless. This is truly the spirit and intent, as you must all agree. This being true, then let us not without due caution and consideration vote down this measure, that has for its purpose but a reward for an honest but thwarted hope. Let the home owner and home seeker prosper and improve. Let the time never come when the doctrine of the Christian religion will be so foreign to us and ours as to turn a deaf ear to him who has tried and failed and is willing to try again.

Many oversentimental men may contend and say that as they were once clothed with a chance they should not be heard further. This is a rigorous and a harsh rule and in this class of cases is devoid of being a rule at all. Men have not had the opportunity to select with eyes open. They have had to adopt the plans in vogue from time to time for such openings and select amidst the fiercest competition. Shall you reward the men who have once tried and are willing to try again; or shall you say that an honest effort not only does not avail but on the contrary does deny a chance to try again?

The Government loses nothing. If the homeseeker has never acquired title to the land surely the Government has lost nothing. On the contrary, in each case they have profited thereby from fees paid by the homesteader for the entry or filing. Let the bill pass and no violence will be done to heart or conscience. Let the bill pass and honest effort will be rewarded with another trial. Let the bill pass and thereby furnish homes to men who know the conditions and will make the West prosper and improve.

Members who are unfamiliar with the provisions of the bill may say that "It permits too many chances. They may have sold out and received valuable consideration for their former entry." This measure, my friends, deals fully with that, for in the second section it provides that in cases where the former entry has been canceled for fraud or where the first and original entry was disposed of for a valuable consideration then and in that event the applicant can not avail himself of the provisions of this measure.

Once more let me urge you to remember that the class of citizens that this measure affects has never acquired title to any Government land in the past. Never title to one foot of the Government domain through the provisions of the homestead law. Further, that the class of citizens for whom this bill is proposed is now clamoring to obtain a home, and I submit that is a holy undertaking in any land and in any clime. Again let me reiterate that if this class of citizens have received nothing from the Government but a thwarted opportunity surely the Government has lost nothing, but maintains her equilibrium as before.

Friends of this measure accepted the amendment thereto, not as a rebuke or a repudiation of the committee that reported it; neither with the intention of burdening the Department, who has to pass on each individual case before a second entry can be made, but because we believe that the bill as amended will render a marked and material assistance in its present form and the relatively small number that would be affected by it.

Congress has heretofore legislated on three different occasions on this subject—to wit, in 1889, 1900, and 1904—and never before has it been considered wise or necessary to burden the officers in charge with a showing from each individual applicant for second entry, the cases of canceling for fraud being so rare and the investigation so circuitous. In view of the foregoing, I will say, frankly, that I liked the bill better as the committee reported it from the committee room, but in its present form it will furnish homes to the homeless, furnish hearthstone and roof for the home seeker, will reward an honest but thwarted effort with a second chance, and will let



the western districts who have Government land prosper and improve.

I hope this measure will not receive further opposition from either side of this House, for I believe it a just one and an important one. I think I can offer as a reason for the faith that is in me the fact that my entire life has been spent in public-land countries, and I know of their wants, hopes, aspirations, and desires. Their homes are founded on the foundation of deprivation, their lives have been one of aspiration and hope, their efforts have made the West what it is to-day, and without them the West would be a hunting ground and a waste.

The West invites them. The West wants them. The West can use them. The West can furnish homes for them. The home is the greenest of green spots. Gentlemen, let this measure pass. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, having examined the amendment, which seems to be entirely proper, I do not wish to make any objection to the passage of the bill.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. GRONNA, a motion to reconsider the last vote was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had agreed to the amendment of the House of Representatives to joint resolution of the following title:

Joint resolution (S. R. 1) amending an act relative to the public printing and binding, approved March 1, 1907.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 194. An act to authorize the county of St. Francis, in the State of Arkansas, to construct a bridge across St. Francis River at or near the town of Madison, in said county and State.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 1192. An act to amend an act entitled "An act to amend section No. 2324 of the Revised Statutes of the United States, relating to mining claims—to the Committee on Mines and Mining.

#### COMMITTEE ON THE CENSUS.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved*, That the Committee on the Census be authorized to have such printing and binding done as may be required in the transaction of its business during this Congress.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

#### JAMES W. NELSON.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that the Committee on Invalid Pensions be discharged from further consideration of the bill (H. R. 11444) granting an increase of pension to James W. Nelson, and that that bill do lie upon the table.

The SPEAKER. Is there objection?

There was no objection.

#### COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent for the consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved*, That the Committee on the District of Columbia be authorized to sit during the sessions of the House.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

#### QUITO (ECUADOR) EXPOSITION.

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Select Committee on Industrial Arts and Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the respective Houses of the Congress a letter from the Secretary of State, representing the appropriateness of early action in order that in response to the invitation of the Government of Ecuador the Government of the United States may be enabled fittingly to participate in the exposition which is to be opened at Quito on August 10, 1909, in celebration of the hundredth anniversary of the independence of Ecuador. This will be our first opportunity to join with one of our sister American Republics in commemorating and honoring a centennial which in the annals of each Republic of the American hemisphere is the most cherished.

The recommendations of this report have my hearty approval, and I hope that the Congress will see fit to make timely provision to enable the Government to respond appropriately to the invitation of the Government of Ecuador in the sending of a commissioner and a Government exhibit, and in the erection of a building at this exposition.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 13, 1908.

#### REVISION OF CRIMINAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11701.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the penal codification bill, with Mr. BANNON in the chair.

The Clerk read as follows:

SEC. 22. If two or more persons in any State, Territory, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, Territory, District, or place where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than \$5,000 or imprisoned not more than six years, or both.

Mr. DE ARMOND. Mr. Chairman, I would like to ask the gentlemen who have this bill in charge something about the change made in this provision, which I understand is also made in a good many others, namely, the elimination of minimum punishments.

Mr. MOON of Pennsylvania. I did not hear the gentleman.

Mr. DE ARMOND. I wish to ask somebody who knows about this bill as to the elimination of minimum punishments. I understand that this policy runs all through the bill.

Mr. MOON of Pennsylvania. Yes.

Mr. DE ARMOND. I would like to hear about it.

Mr. MOON of Pennsylvania. I made a full discussion, Mr. Chairman, the other day upon that question. Unfortunately, my voice is scarcely in a condition to speak very extensively to-day. Does the gentleman desire to hear those arguments repeated? We have set forth in the report the reasons why the committee recommended the abolition of minimum punishments.

Mr. DE ARMOND. Mr. Chairman, I do not believe this is a wise departure. There are gathered into this revision a large number of sections, some passed at one time and some at another; some have been long in the statutes and some are comparatively new. Now, those who passed these various acts at various times evidently were of the opinion that a minimum as well as a maximum limit should be prescribed. The effect of this change is by wholesale to substitute the judgment, the varying judgment, of this or that Federal court for the deliberate judgment of the legislative body which enacted these various statutes. It is presumed that the Congress for good reasons provided that in certain cases there should not be a less punishment than so and so. Now, what good reason can there be for remitting all to this or that Federal court? There is just as much reason for fixing a minimum punishment as there is for fixing a maximum punishment, and the question of uniformity, it seems to me, has on this point no weight as an argument. It is a notion of the Commission, reinforced, no doubt, by views of judges of the Federal court, that it would be a desirable thing to have uniformity, which increases the power and the option of the Federal judges.

These statutes are made from time to time. Congresses and the Members who compose them come and go. When a particular statute is passed and it is the judgment of those who enact it to fix a minimum punishment there is no reason why a commission should revise and reverse that deliberate judgment of the lawmaking body for the sake of uniformity. Now,

as far as I am concerned, I would like to legislate in the direction of giving the Federal judges just as little option as possible, and nothing beyond necessary powers. [Applause on the Democratic side.] Danger lies in the abuse of power by Federal judges and Federal courts—in the abuse of discretion by them—and this legislation tends to increase their power and control, not directly over the persons who from time to time may be placed upon trial in the courts, but over the body of the law itself. Why, in this section, for instance, the original section 5518, now in the statutes as we have—

[Here the hammer fell.]

Mr. DE ARMOND. Mr. Chairman, I ask some additional time.

The CHAIRMAN. How much time does the gentleman desire?

Mr. DE ARMOND. I would like five minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. DE ARMOND] asks unanimous consent for additional time of five minutes. Is there objection?

Mr. PAYNE. Does the gentleman offer any amendment to the section?

The CHAIRMAN. The gentleman has not done so.

Mr. PAYNE. Then the whole debate is out of order.

The CHAIRMAN. There was no objection made.

Mr. DE ARMOND. Mr. Chairman, I move to strike out the last word.

Mr. PAYNE. Mr. Chairman, I think we had better proceed in order.

Mr. DE ARMOND. I would like to oblige by being in order. I move to strike out the penalty affixed in this section and restore that which was in the original law.

Mr. MOON of Pennsylvania. Which section does the gentleman refer to?

Mr. DE ARMOND. We are now upon section 22, as I understand.

The motion is to strike out what this Commission has put in by way of amendment with reference to penalty and insert what is now in the law.

The CHAIRMAN. The gentleman from Missouri moves to strike out what is provided in the section and insert in lieu thereof what is provided for in the original law. The Chair thinks the amendment of the gentleman should be reduced to writing.

Mr. DE ARMOND. Very well; I will have it written up and send it to the desk, and to save time, if I may be indulged—

The CHAIRMAN. If the gentleman desires to proceed, he can do so on the pro forma amendment.

Mr. DE ARMOND. Very well; we shall have a discussion on the pro forma amendment, then.

Mr. Chairman, as this policy runs through this bill, this is a matter that is worthy of some consideration at this point. Now, I do not propose to criticize the Commission, but I do believe that the Commission took upon itself a tolerably important function when it went into the business of changing every atom of criminal statute with reference to minimum punishments provided by existing law. It was suggested the other day, when sections 19 and 20 were under consideration and amendments were offered, that it is a serious thing to endeavor to break in upon this revision by offering new provisions, and yet this revision is absolutely full of new provisions, and, as to this particular matter, very important. It will be in the power of the judge of the Federal court if the minimum punishment be abolished to impose a fine of 1 cent, or imprisonment for one second, and make a farce out of the law. It is not very long since there was a happening in Nebraska which I think fully illustrates a possibility of this kind of legislation. There was a conviction there and a punishment merely nominal was imposed, and was permitted, I suppose, in that particular case, by the law applicable, no minimum being fixed. Now, we are about to provide that policy for all Federal offenses. I do not think it ought to be done. It may be that sometimes the minimum is wrong and the maximum not the wisest and best. But certainly it is well enough when these are matters which go to the liberty and property rights of a citizen, meaning, maybe, comparative affluence or beggary, that there be some kind of legislative judgment exercised in the matter. Now, there is the judgment of the lawmaking body that certain offenses should not be punished by less than some minimum fine or imprisonment. Why take that away entirely and submit it to this or that judge, here, there, and everywhere, now and for the future? This seems to me to be a bad legislative proposition which ought not to find support here. It may bring convictions; but what of that? A man may be coerced into a plea of guilty to escape present bankruptcy, by holding out to him an intimation

or assurance that he shall be punished but lightly. It may be that we would gain something in convictions that way. Yet there is no good reason for it.

I am aware that a number of the Federal judges are in favor of this change. Every man loves power, and a man does not lose that characteristic when he goes upon the Federal bench. By putting this power in the hands of the Federal judge he might make the punishment so light as to be a travesty on justice; a laughing matter, if you please. But somebody suggests that he will not do that, and that no harm will be done. How are they to be better judges of what should be law than the lawmaking body? This is a part of the lawmaking power. Why not remove also the maximum punishment, if you give jurisdiction to the judges to impose light and trivial punishment for what the legislative body deems a grave and serious offense? Why not give them jurisdiction to impose an adequate punishment, extending as high and as far as the merits of the case warrant? Why make a change as to the minimum and not as to the maximum? The reason for one is a reason also for the other. A reason for the removal of one limit is an equally good reason for the removal of the other.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman withdraw the pro forma amendment?

Mr. DE ARMOND. I propose to offer an amendment for this punishment provision.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. DE ARMOND].

The Clerk read as follows:

Amend section 22 by striking out all after the word "persons," in line 24, and inserting in lieu thereof the words "shall be punished by a fine of not less than \$500 or more than \$5,000, or by imprisonment not less than six months nor more than six years, or by both such fine and imprisonment."

Mr. DE ARMOND. And I desire to insert also the words "with or without hard labor."

Mr. WILLIAMS. Mr. Chairman, I am very sorry to feel compelled to oppose the amendment offered by the gentleman from Missouri [Mr. DE ARMOND], but I shall give my reasons very briefly for the opposition.

In the first place, I do not believe, as a general principle, in limiting the power of the court in the direction of mercy in fixing a penalty.

In the second place, Mr. Chairman, this statute is one of the few remaining relics of reconstruction times. It was put upon the statute book to meet the Kuklux conditions of those days. It really ought not to be upon the statute book any longer. The occasion of it having passed, the statute ought to have passed with the occasion. If the provision as reported by the committee in the bill now pending before the House be adopted, then in case of proceedings under the law the man who is before the court may be fined as little as 25 cents or a dollar, and he may be imprisoned as short a time as one hour or one day. If the motion of the gentleman from Missouri shall prevail, then the court will be compelled to fix a fine of not less than \$500, and will be compelled to fix an imprisonment, if it fixes any imprisonment at all, of not less than six months. So that so far from the proposition of the Commission being a proposition to do away with a minimum punishment, the proposition of the amendment is to do away with a minimum punishment and fix a heavy fine that must be levied as a minimum, and a grave imprisonment that must be inflicted as a minimum.

For these reasons it seems to me that the amendment ought to be defeated.

I think we have had enough of this old anti-Southern legislation. My own opinion is that section 22 ought to be stricken out, and that a motion to strike it out ought to be made; and at the proper time I shall make that motion, without any further argument of it than that which I have now made, to wit, that it is a relic of reconstruction and sectional-hatred times, and that it ought to pass with the conditions that gave rise to it. But if it is to remain on the statute book, then, speaking for my section and for my people, I want it to remain possible, as the Commission's report makes it possible, for the court to be lenient in the sentencing of the defendant.

The CHAIRMAN. The question is upon the amendment of the gentleman from Missouri [Mr. DE ARMOND].

The amendment was rejected.

Mr. WILLIAMS. Mr. Chairman, I now move to strike out section 22.

The question being taken on the motion of Mr. WILLIAMS, on a division (demanded by Mr. WILLIAMS) there were—ayes 92, noes 107.

Mr. WILLIAMS. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. Moon of Pennsylvania and Mr. WILLIAMS.



Mr. WILLIAMS. Mr. Chairman, I ask that the gentleman from Ohio [Mr. ANSBERRY] may act in my place.

The CHAIRMAN. The gentleman from Ohio [Mr. ANSBERRY] will act in the place of the gentleman from Mississippi.

The committee again divided, and the tellers reported—ayes 114, noes 129.

Accordingly the motion of Mr. WILLIAMS was rejected.

Mr. WEBB. Mr. Chairman, I ask unanimous consent to return to section 21 for the purpose of offering a slight amendment, which I think the committee will accept.

The CHAIRMAN. The gentleman asks unanimous consent to return to section 21 for the purpose of offering an amendment to that section.

Mr. PAYNE. I object.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina may state what his amendment is.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from North Carolina may be permitted to make a statement as to what his proposed amendment is. Is there objection?

Mr. PAYNE. Mr. Chairman, I do not know why we should not go on with the bill.

The CHAIRMAN. Objection is made.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by striking out the word "five," in line 24, and inserting the word "one;" and by striking out the word "six," in line 25, and inserting the word "one."

Mr. DE ARMOND. Mr. Chairman, that amendment, if adopted, would make the fine \$1,000 instead of \$5,000 and the term of imprisonment one year instead of six years. That is all there is to it; it reduces the maximum fine from \$5,000 to \$1,000 and reduces the maximum imprisonment from six years to one year. I do not care to say anything more about it; I think it ought to be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and on a division (demanded by Mr. DE ARMOND) there were—ayes 104, noes 123.

Mr. DE ARMOND. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. MOON of Pennsylvania and Mr. DE ARMOND.

The committee again divided, and the tellers reported that there were—ayes 107, noes 118.

So the amendment was rejected.

Mr. WEBB. Mr. Chairman, I move to strike out the last four words of section 22. A moment ago I asked unanimous consent to return to section 21 to insert as an amendment after the word "custom" in line 2 the word "willful." I think the committee would agree that that should be put in because, mark you, the statute does not apply to the South alone, but to any judicial officer, any magistrate in the United States who makes a mistake in construing the State law. A mere violation by making an error makes him guilty under this statute. Every one would agree that a severe penal statute of this sort ought to have a proposition that the offense should be committed willfully, intentionally, or knowingly. You find the word "willfully" in section 54 and you find the word "knowingly" in section 59.

Mr. MOON of Pennsylvania. Mr. Chairman, the committee has no objection to the insertion of the word "willfully" in section 21, as the gentleman proposes.

Mr. WEBB. Then, Mr. Chairman, I ask unanimous consent that the word "willfully" may be inserted after the word "custom" in line 2 of section 21, page 26, and the committee agree to it.

The CHAIRMAN. The gentleman from North Carolina should first obtain unanimous consent to return to section 21.

Mr. MOON of Pennsylvania. I should object to that, Mr. Chairman.

Mr. WEBB. I do not want to make that request, I ask unanimous consent to insert it.

The CHAIRMAN. The Chair rules that the gentleman must first obtain unanimous consent to return to section 21 before the amendment can be proposed.

Mr. WEBB. I understand that we can do most anything by unanimous consent, and if no one objects to my request I do not see why it should not be enacted.

The CHAIRMAN. Does the gentleman from North Carolina ask unanimous consent to return to section 21 for the purpose of making an amendment by inserting the word "willfully" after the word "custom" in line 2, page 13?

Mr. WEBB. Yes; and for that purpose only.

Mr. MOON of Pennsylvania. The gentleman says "and for that purpose only."

Mr. WEBB. Yes.

The CHAIRMAN. The Chair hears no objection. The question is on the motion of the gentleman from North Carolina that section 21 be amended by inserting the word "willfully" in line 2, page 13.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

SEC. 23. No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States or of any State on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall be fined not more than \$5,000.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to amend by striking out, on line 4, page 14, of the section, the words "or of any State."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 4, strike out the words "or of any State."

Mr. BARTLETT of Georgia. Mr. Chairman, I think this whole section ought to be stricken. As I said on Saturday, it is a relic of the legislation of the reconstruction period and was passed when the feeling between the North and the South was very bitter. We have lived to see the day when that feeling has passed away and when there is no longer any necessity for the maintenance upon our statute books of these barbaric sections, but if those who differ with me desire that this section or any part of it shall remain to control or regulate or punish the commissioners or officers authorized by law to select jurors in the Federal courts or in the Territories or other places over which Congress has exclusive jurisdiction, I am content for it to remain. But it does occur to me that in this enlightened period it is contrary to all the doctrines of this Republic and the rights of the States to say that the commissioners or officers of the State who select jurors for the trial of cases in the State courts shall be subject to a fine or punishment because of the alleged violation of a section like this. My State, and I know there are quite a number of States which have similar laws, has a constitutional provision with reference to the selection of grand and traverse jurors. The commissioners are selected by the judges of the superior court, the highest court known to our law except the supreme court, and our constitution requires them to select from the tax list "upright and intelligent men" for the traverse jurors and "upright, intelligent, and experienced men" for grand jurors. Yet, if the provision with reference to officers of the State remain on the statute books, it either must remain to be obsolete or disregarded, as it now is, or must stand there as a menace to the officers of the State in carrying out the demands and requirements of the constitutions of the various States. So, Mr. Chairman, I have made the motion to strike from this provision the requirements that if any officer shall exclude from the jury box of a State court a colored man he shall be punished. Let us leave it to the judgment of the State as to the right to conduct the business in the State court, as it has been reserved to them under the Constitution of the United States. It occurs to me, Mr. Chairman, that in this day, when we are fast tending to centralization of all power in the General Government, it is well for us to strike from this section this provision, which makes it a felony for the officer of the State in selecting jurors for the trial of cases in the State courts to follow the State laws. I therefore move to strike out those words that I have indicated, and I hope that we may relegate it, with the bitterness from which it sprang, to the dead and forgotten past. [Applause on the Democratic side.]

Mr. HARDY. Mr. Chairman, I wish to say that in making this talk I desire to appeal to the gentlemen of the committee, because I believe that there are level-headed men on the other side of this House, men who are not here for the purpose of making formal objections, or for political effects, and I believe there are men here who rise to the patriotism of a Corporal Tanner or of a William McKinley. I had intended to make just the motion which the gentleman from Georgia [Mr. BARTLETT] has made, but I have changed it to a motion to strike out section 23, which makes it a crime against the United States for any officer having to do with the selection of jurors in State or Federal courts to be influenced in such selection by the race, color, or previous condition of servitude of a citizen. Before I urge any reason for that motion I want to say that if the position, in substance, of the gentleman from New York is to prevail, it will be another evidence that love of freedom is giving way to the demand for expediency. I do not believe that a motion to amend or strike out any section of this bill is any attack on the pa-

triotism or action of the committee which reported it. Perhaps they did well to report it as it is.

I do not think so, but I believe they thought so. If they were appointed to collate and digest existing laws, they should have done so and made no change in existing law; but this is not true, because it is a bill to revise and amend the penal laws of the United States, and they have seen fit to make certain changes and to report to us a complete code, which they ask us to adopt, section by section. Yet they insist that we ought not to try to correct this code in passing it, but ought to pass it, right or wrong, now. That if it contains sections that are relics of a generation gone and a period of sectional animosities and war-time issues, or that are subversive of liberty and contrary to the conscience of the individual Member, nevertheless we ought to vote for each section as it is read, because it is a part of the code—it is a part of the law as it now stands, and it would take too long to go through the whole code and vote conscientiously for or against each section. If a more farcical comedy was ever rehearsed in a law-making body than was had over section 20 last Saturday, it would be worth dramatizing. That section was actually defended by no one. The gentleman from Maine [Mr. LITTLEFIELD] said if it meant what it was afterwards conceded to mean, it was unconstitutional and could do no harm, and on that ground, for a while, he defended it. After it was shown that it might likely be constitutional he ceased to defend it. Others urged its retention to save time of discussion; and the section stands, on the vote of numbers of Members who seem to be opposed to it in principle. In fact the gentleman from Illinois [Mr. MANN] declared that on a separate bill for that purpose he would vote to strike out that section. This code, he says, must be passed section by section, but not with care to be right. We must pass it and adopt it practically with all its defects and whatever iniquities the present laws may have. Mr. President, whatever is worth doing is worth doing well, is worth doing right.

Mr. Chairman, whenever a Member of this House urges the adoption of a measure that may destroy freedom because the House hasn't got time to correct it, or it would take too much time to correct it, he is losing that love of liberty which in my section stands above all other political loves, and which Patrick Henry once placed higher than love of life. I do not know what others may think, but as for me, I think there is no time too long for me to take before I cast a vote to rivet a chain or bind a fetter upon a freeman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARDY. Mr. Chairman, you adopt this code under the pleasing fiction that with separate single bills you can correct with ease its iniquities, and you are walking in a fool's paradise. I fear there is a deathlike sleep for many a bill of worth and merit affecting more people than many of these sections do, in the waste basket of committees. Bills, too, that could they but reach a vote would pass this House. Vote for a law trusting to repeal it later? Hold out my hands to be voluntarily bound, trusting to be released after I am in prison? Not while I love liberty and right. You have clothed, so it is said, the Speaker with dictatorial power and placed all legislation in the hands of a few committees. I fear we have forgotten the lesson that eternal vigilance is the price of liberty. Now, Mr. Chairman, I come to this section 23. It bears on its face the earmarks of its origin. It was the outgrowth of those bitter years when the South lay prostrate in the ashes of desolation, when the iron heel was on her neck and the iron hand was at her throat, and the unctuous righteousness and mistaken zeal of the victorious forces of one section of this great land were seeking to place an untutored race of former slaves in authority over their own brethren of another section and to force an unwilling association of a proud people with a race they regarded as inferior.

For forty years this law has been on the statute books, and to what end save ends of bitterness? It has been a law that every white State judge, sheriff, or jury commissioner in the South, and many a Federal officer, has consciously or unconsciously violated. In forty years you of the North have learned that it is better to leave to us of the South the regulation of our own social and State institutions. You can not change the leopard's spots. This is a white man's country, and if God is merciful to us it always will be. [Applause.] In days of calmer judgment you yourselves, I trust, would not have it otherwise. If the presence of the negro in our land is the consequence of a crime—the crime of his capture and enslavement—the crime was the crime of your father and of mine.

This law was only intended to affect the South. It has no place on the Federal statute books. It seeks to go into the very sanctuary of the State courts and tell them how they shall select their juries and enforce their laws.

You can not enforce it. We have no laws by which a negro is excluded from jury service or from any social or legal right. We do not need, we do not want such laws. We only want that, with the constitution of our own States as well as the Constitution of the United States guaranteeing to the negro every legal right, we be left alone to work out the joint destiny of the white man and the black man in the South as God shall give us wisdom; and we will not treat him worse than you would were you there.

Now, I appeal to you to help us bury the past, not by telling us to forget it and break up the solid South, but by actions that show we are one. Politically you might lose a few colored votes in the North by striking out this section, but I do not think you will, for the negro is as prone to go to you in politics as he is to come to us in trouble. [Applause and laughter on the Democratic side.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HARDY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. DALZELL. I object.

Mr. SHERLEY. Mr. Chairman, I do not rise to oppose either the amendment offered by the gentleman from Georgia [Mr. BARTLETT] or the amendment suggested by the gentleman from Texas [Mr. HARDY]. I do arise, however, for the purpose of putting my position as a member of this committee right before the Committee of the Whole House, and, as I believe also, to properly present the views of the other members of the committee.

I for one have never taken and never shall take the position that because a committee reports a bill to a Committee of the Whole House that no amendment or perfection of that bill ought to be had, or that the House should accept the work of that committee absolutely. That, carried to its logical result, would authorize the House to dispense with the reading of the bill in the Committee of the Whole and to pass it as it came from the special committee reporting it. My position is simply this: That an amendment looking to the perfection of the text or looking to the elimination of any section is a proper amendment to be considered by the Committee of the Whole, and I shall never, for one, object to the consideration of any amendment of that sort. On Saturday I did criticize certain amendments because I did not think they were properly within the scope of this bill and did not properly pertain to the section then under consideration. That is always a question upon which men may differ; but I do not want any Member of this House to believe that I have the egotism to think that the work of a committee that I am a member of is of such excellence that it could not be improved and should not be improved by members of the Committee of the Whole.

Mr. BARTLETT of Georgia. The gentleman has certainly misunderstood me if he has gathered from anything that I have said concerning any amendment that I have criticised him in any way.

Mr. SHERLEY. I have not misunderstood the gentleman from Georgia, and I am not referring to anything the gentleman from Georgia [Mr. BARTLETT] said, but the gentleman from Texas [Mr. HARDY] stated that he thought the arguments that had been made in regard to leaving the bill as it came from the committee were of that nature and were not valid arguments. I do not think the committee intended to convey any such impression. It would be monstrous if we should say to the Committee of the Whole: "You must accept this bill and get through with it and pass it as we brought it to you." What we do ask is that every Member shall, in the consideration of this bill, deal with it and with us frankly, and whenever an amendment looks to the perfecting of the bill, or to the elimination of sections that ought not to be kept, I for one will be glad to have the fullest advice of all the membership of the Committee of the Whole; and I want to say this in justice to myself and in justice to the committee. We are not trying to make our judgment the judgment of the Committee of the Whole. We will try and defend what has seemed to us wise in our various actions, but we do not claim absolute wisdom and we do not ask to be removed from any criticism fairly aimed at our work and aimed with a desire of perfecting legislation of importance to the whole country.

Mr. MOON of Pennsylvania. Just a word, Mr. Chairman, respecting the attitude of the committee in reference to this question. We found these sections of law existing upon the



statute books. We found they were being employed by the legal department of the Government for the protection of the life, liberty and property of its citizens. And we found, Mr. Chairman, in addition, what we believed to be conclusive evidence that they exist upon the statute books to-day by reason of the action of a Democratic Congress. We found that in 1894, when Congress in both sections was Democratic, and when the Executive was Democratic, and this particular title was under consideration by that Democratic House, that that Democratic House at that time repealed all the laws of that period which they felt ought to be repealed. And the fact that they left these laws upon the statute books was an evidence that they had discovered that they were being used for the protection of the Government.

You will remember, Mr. Chairman, and the gentlemen on the floor of this House will remember, that at that time in this very title by the action of a Democratic House all that was regarded obnoxious of these sections were repealed. They repealed at that time by specific enactment sections 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518; and 5519 had been declared unconstitutional. Therefore, with this statute under consideration, a Democratic House and a Democratic President decided that these laws were of vital importance and permitted them to remain upon the statute books. Now, what were the rights, the duties, and the powers of our committee, under a reasonable construction of the power conferred upon the Commission of Revision? The work referred to our committee was the report of that Commission. That Commission had no power, in our judgment, to omit vital laws, and if we had assumed the responsibility and omitted from the statute books these laws we would have been deserving of the most severe censure of this House and of this country. Therefore, without any regard to their origin, without any regard to their efficacy to any fact, except they are being employed by the legal department of the country for the protection of our citizens, we permitted them to remain as laws. And the attitude of the committee to-day is this, that it being the organic law of the land, without doubting the right of this committee to make amendments, we do doubt its wisdom. We say that if these amendments are to be offered, and if we are to attempt to alter and change the substantive organic law of the land under this legislation, that not only will this work be endless, but of the greatest peril to this country.

If it be true that this provision can be changed, can be amended, and can be stricken out, the other sections of this law which will follow could with equal propriety be stricken out, as it is purely accidental that we happen to be considering the criminal section.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Pennsylvania. I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOON of Pennsylvania. If we had, as we shall have later on, for the same purpose of revision and codification of any one of the substantive laws of this country—say, the interstate-commerce law—before this House, if under the work of revision and codification it is open to amendment or to a motion to strike out all the law on that subject, if legislation secured by years of effort of the greatest importance to the country, may be stricken down, I say that this work of codification and revision is a perilous one for the country to embark in. Therefore, on the part of the committee, I have objected and shall object to changes in existing law that bring under its operation any persons that are not included or any subject-matter upon which Congress has heretofore not seen fit to legislate. That is the attitude of the committee, and in pursuance of this attitude of the committee I ask that this amendment be voted down.

Mr. HEPBURN. Mr. Chairman, I am very sorry that gentlemen on that side have precipitated this debate. There was no necessity for it. Gentlemen, there is no enactment of law proposed here. We are dealing simply with a codification of existing laws. Why gentlemen should have seen fit to precipitate this kind of debate upon us at this time is something that I can not understand. This is a section that only seeks to preserve the rights of the citizen—no more; the right of a citizen who has every qualification fixed by the law for certain duties and certain obligations to perform these duties and obligations. That is all that it is the purpose of this statute to preserve. It is strange that this opposition should come from gentlemen who talk so much about democracy—that democracy that they have told us over and again has for its primary purpose the securing of "equal rights for all; special privileges for none." That is Democratic doctrine, you tell us. How many times

have you rung the changes on that proposition in your national platform? How many times have you garnished your speeches with this declaration over and over repeated, to protect the rights of all—all American citizens? That is what this section proposes to do. Some gentleman says he wants by-gones to be by-gones. Why do you precipitate this debate if that is what you want? Does he mean by that that the spirit that made necessary this legislation thirty-five years ago is now dead, that there is no more of it, and therefore no necessity for the legislation? Is that true? I am reminded of a gentleman in this House who is fit to adorn the Senate of the United States, who is the peer of any man who has sat in that body during the last fifty years, a man who has every qualification, a man of popularity in his State, a man of infinite worth, who, in a contest that he had last summer, only triumphed by a few hundred votes, and that over a man who made his campaign, if the newspapers correctly reported him, upon the proposition of repealing the last three constitutional amendments and taking from a large class of citizens all of the rights of their citizenship. Yet upon a platform of that kind that gentleman came within a few votes of defeating this man so preeminently qualified to adorn the Senate of the United States. [Applause on the Republican side.] I tell you, gentlemen, that so long as the spirit lives I want the letter of the law to live. [Renewed applause]. As long as that kind of sentiment finds popularity in the South, I want these statutes that were necessary at the time of their enactment to remain upon the statute books, and I am sorry that you gentlemen have precipitated this debate. [Loud applause on the Republican side.]

Mr. WILLIAMS. Mr. Chairman, of course I feel very grateful to the gentleman from Iowa for the very high compliment that he evidently intended for me. The gentleman from Iowa, however, is mistaken in his understanding of the cause of the results of the primary to which he refers in the State of Mississippi. My opponent in that State did not reduce my majority to its meager proportions because any great number of people in the State of Mississippi entertained or pretended to entertain the slightest idea that he could repeal the fifteenth amendment, or that it could be done on the initiative of anyone in the South.

Mr. HEPBURN. Mr. Chairman, will the gentleman permit me?

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS. One moment. It is true that that was a part of his platform, but that was not the cause of his popularity. He was personally a very popular man to start with, was a great "mixer" and a man of very "taking ways." He had made, in the second place, a very good governor of the State of Mississippi, had enforced the laws, and had stamped out, as far as he could, lawlessness throughout the State. In addition to this, perhaps the governor of the State of Mississippi has more patronage than any governor of any other State in the Union, growing out of our peculiar situation and conditions and the constitution that was enacted to meet them.

Now, Mr. Chairman, having said that much—and I had no idea of saying anything at all in connection with this subject, but I am naturally averse to letting the gentleman from Iowa whip my people over my shoulders, even though the whip that he uses is armed with a cracker of compliment to myself—I want in addition to say in response to what the gentleman from Iowa has said about equal rights for all and special privileges for none, this:

It is not, and never was, and nobody ought ever to have attempted to make it appear to be the "right" of any citizen anywhere, that the Federal Legislature should fix or sit in judgment on the qualifications of a juror in a State court or to punish anybody for violation of the State laws fixing the same. [Applause.] I have stood under difficult circumstances, as the gentleman says, for "the rights" of men. I will stand for them again. But when I use the word "rights," I do not mean privileges. Men have an inherent right to equal "rights." Rights are God given. Privileges are statute conferred. I have never stood for the idea that there was a "right" in any man to vote, for example, although that language is carelessly used all the time. The suffrage is a statutory privilege conferred upon a man in the interest of society, and if any man is not competent to exercise it in the interest of society, he ought not to have it. I have never stood for the idea and I can not stand for the idea that the Federal Government has a right to prescribe the qualifications either of voters or of jurors in a State, except in a Federal court.

Mr. HEPBURN. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Iowa?

Mr. WILLIAMS. I will.

Mr. HEPBURN. Does a citizen of the United States have the right to a trial by a jury of his peers?

Mr. WILLIAMS. Yes; he has.

Mr. HEPBURN. That is one right, isn't it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCKRAN. I ask unanimous consent that the gentleman from Mississippi have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Mississippi be extended five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, a citizen of the United States, a citizen of Great Britain, a citizen of the colonies before there was any United States, had a right to trial by his peers; but it does not follow that the Federal Legislature shall prescribe who are his peers in a State court or execute the laws of the State prescribing who are his peers, or, in other words, who are competent jurors. [Applause on the Democratic side.] In Mississippi every man gets a trial by his peers, and many a man gets a trial by men who are more than his peers. Why, this argument of the gentleman from Iowa proceeds upon the idea that a State is not only in law but in fact a foreign power in regard to the Federal Government, and must be viewed with suspicion and caution, watched very carefully and jealously, for fear the inhabitants of the State are not capable of granting to themselves and their fellow-citizens the rights that were secured by Magna Charta and later on expressed in the Constitution of the United States. That States make mistakes now and then, I grant you. That the Federal Government makes mistakes now and then no man will be audacious enough to deny, but that either shall trench upon the rights granted to the one or reserved to the other is a proposition absolutely abominable. [Applause on the Democratic side.] And when this statute was passed it was passed for the purpose of enabling the United States indirectly to prescribe the qualifications of a juror in a State court. It ought not to have been passed. Something is said about the fact that it was not repealed in 1894. No; at the time public sentiment had not sufficiently ripened into a realization of the complete reconciliation of brethren across Mason and Dixon's line to enable it to be done, but to-day it ought to be granted that it has sufficiently ripened for that purpose.

I heartily indorse the amendment of the gentleman from Georgia, while I heartily thank the gentleman from Iowa for the nice things he has said about me personally. [Applause.]

Mr. HEPBURN. Mr. Chairman, I want to call the attention of the gentleman from Mississippi [Mr. WILLIAMS] to the language of this statute:

No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude.

That statute was enacted thirty-odd years ago. It has been on the statute book during all of those years; on the statute book at a time when contention was rife over the question of the rights of the colored men in the South. Has there been any denunciation of that section by the Supreme Court of the United States? Has there been a question raised such as the gentleman raises now of its unconstitutionality? If not, I assume that his argument upon this question of the right of this Congress to indulge in this legislation ought not to have much weight.

Mr. HARDY rose.

Mr. CRUMPACKER. Before the gentleman from Iowa takes his seat I will ask him his opinion—

Mr. BARTLETT of Georgia. Mr. Chairman, a point of order. The gentleman from Iowa had yielded the floor and the gentleman from Texas had been recognized.

The CHAIRMAN. That is a question for the gentleman from Iowa to say—whether he yielded the floor.

Mr. HARDY. Mr. Chairman, I rise to say in answer to the gentleman from Iowa, that the motion to strike out this section does not involve the idea that there will be any deprivation of the rights of jury service on account of race, color, or previous condition of servitude; but this motion is made because section 23 does not establish the right in question. That right is established by the amendments to the Constitution adopted after the war. No State can deprive one of that right, but this section seeks to take the hand of the Federal Government and go to the State court and there probe the consciences of the State officers and to declare a penal offense if any officer of the State has, in the opinion of the Federal official, in his secret motive and purpose been influenced in his selection or non-selection of jurors by the fact that a man is colored or white. In other words, this law does not establish any right of the

colored man. No statute of the State of Texas or any other Southern State deprives him of the right to serve on juries, but this law goes into the State court to help the State court administer the State law, and that is the iniquity of it.

If you will read this law you will see that it is not intended to prevent any statute of Texas or South Carolina or any other State impairing the constitutional provision that no man shall lose any right by reason of race, color, or previous condition of servitude. Had it declared void any State law taking away the right of jury service on account of race, color, etc., it would have been harmless, but this statute goes further, and says that the Federal law shall go into your State court and search the consciences of the State judge when he appoints the jury commissioners, of the jury commissioners when they select the jury, and of the sheriff when he summons them and say whether or not any of these officers in the performance of their duty have been influenced by the fact that a citizen was white or black, whether such officer in his conscience has violated this law. I say that you can not prove its violation in any case, but you have got the statute there for political claptrap, for the purpose of sentiment in appealing to the prejudices of the colored race. There can be no enforcement of the law, but it has caused expense on appeals by raising the question when the proof can not be made.

I say that the generous disposition now prevailing in this country, shown a hundred times by your present President, and also by the late lamented McKinley, tells us to bury and wipe off from the statutes these monuments of the past struggle, and it is for that reason that I offer the amendment. It is not to change the status of the negro, for it does not change it, but to wipe out a law that might subject us to prosecution and persecution, but can serve no useful purpose.

I wish I had time to tell you fully of an instance I read just to-day in the Washington Post. When the Japanese cruiser *Soya* dropped anchor the other day in the harbor of Chemulpo, the captain in command called all the sailors forward and with a magnanimous spirit put their flag at half-mast over the spot where a gallant foe went down in the war with Russia. The *Soya* was the Russian ship *Variag*. Upon that spot she had fought a gallant fight, but was sunk by the shot and shell of the Japs with overwhelming odds. After the war the *Variag* was raised by the Japs and became the Japanese cruiser *Soya*. Not only was the flag of the *Soya* dropped half the length of the jackstaff while she stood at anchor, but her captain with bared head addressed her crew. "The brave men who died on this ship, in the fight at this place," said he, "did for their sovereign what we tried to do for ours." A whole ceremony was gone through in honor of the dead heroes, their enemies. But you of the other side for forty years have cherished the memory of the struggle between the States in bitterness through these laws, and we are asked now to reenact a law which for forty years has been a menace and an occasion of bitterness, but otherwise a dead letter, and so known.

Mr. HOUSTON. Mr. Chairman, I desire to say a word in reference to the attitude of this committee in regard to this legislation now pending. We went to work in this committee and labored industriously for days and weeks. The result of that work has been the bill reported to this House. That bill has been reported unanimously, and while this is true it does not imply that every member of this committee indorses every section contained in this bill. We, as a matter of course, reserve the right to vote as our judgment dictates upon each proposition that comes up. As a whole, we believe that this is a wise measure. We believe it would be best to pass this bill in its present form—much better than to pass no bill at all. For this reason we have unanimously recommended the passage of the bill, and I want to say that it is no part of the duty of this committee to say that their work and their action shall be taken as conclusive or final. We submit to you the result of our labor and our consideration of this bill and it comes to the House to-day for what it is worth, and for this House to consider it and make just such alterations as its wisdom sees proper to make. Yet, for one, while I am thoroughly in accord with the general purpose of this report and the recommendation of this bill, I do not support every section of the 342 sections reported. I do not approve them all. I have demonstrated my position on this by voting in favor of amendments that have been offered to this bill to strike out these sections of law enacted in the reconstruction days, known as the "civil rights bill," or parts of it. I shall do so again when amendments meet my approval, notwithstanding the fact that I have signed this report and have submitted no minority report. It could not be expected that a minority report could be made upon every proposition that any Member might not indorse on all the 342 sections.



Mr. SIMS. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. HOUSTON. With pleasure.

Mr. SIMS. Mr. Chairman, I fully appreciate the position of the gentleman and what I am going to ask is meant in no unkindly spirit. Members of the committee have a right to first recognition, and the minority members, and especially those who come from the South, would add weight to these amendments if they would make them themselves. That would indicate to us that we are not antagonizing the committee.

Mr. HOUSTON. I am very glad, Mr. Chairman, that that suggestion has been made. It brings to my mind a thought much emphasized by the present turn of affairs. That thought is that I doubt very much the wisdom of offering some of the amendments that have been offered to this bill. I doubt very much the good that will be accomplished. The discussion on the floor of this House of these measures can do no good, can accomplish no good purpose. Yet when these amendments are offered they call for the independent and honest action and vote of every Democrat and Republican upon this floor upon each independent proposition. So I say it is a question of doubt in my mind whether it is wise to offer amendments that bring up a discussion of this nature, that stir up party prejudice and excitement and bitterness which had better be let alone and let sleep—especially in view of the fact that no harm is being done by any of these statutes. Their fangs have been drawn from them by judicial construction and by conditions that are natural among free men. This particular section that we are now considering is a dead letter, so to speak, and for that reason I shall vote for the amendment offered by the gentleman from Georgia [Mr. BARTLETT] to strike it out, because I believe it unwise to keep upon the statute books laws that are not enforced. There is nothing that so much breeds disrespect and disregard for the law as statutes on the statute books that are not obeyed and not respected.

Mr. HARDY. Will the gentleman yield for a question?

Mr. HOUSTON. Certainly.

Mr. HARDY. If we were to go along without voting against these amendments, would it not in future be brought up against us, as the gentleman from New York just now quoted, or the gentleman from Pennsylvania [Mr. Moon]—would it not be said that we Democrats had voted for these measures when the Democrats in a majority Congress might seek to repeal them hereafter?

Mr. HOUSTON. If that be true, we would be furnished with an ample reason for our course in not so raising the question and precipitating a partisan discussion when we are utterly unable to carry our point and might defeat our whole work of revision. Just as the course which has just been referred to was justified by conditions then existing, just so can we justify our course in not raising these questions now.

Mr. HARDY. Then hereafter we would be put upon the defensive and made to explain our actions.

Mr. HOUSTON. Whenever the time comes, and I hope and trust it will soon come, when we will be responsible for legislation on this and all other subjects, then we will have no trouble in explaining and defending what is right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that all debate on this section and amendments thereto cease in five minutes.

Mr. BARTLETT of Georgia. Make it ten minutes. I would like to have three minutes of that time.

Mr. MOON of Pennsylvania. Well, let us go on and then you may ask for unanimous consent.

Mr. BARTLETT of Georgia. I understand the gentleman to withdraw his motion just now?

Mr. MOON of Pennsylvania. I want to say to the gentleman from Georgia that I do not want to use any of that time myself. The gentleman can have it.

Mr. BARTLETT of Georgia. But the gentleman from Pennsylvania can not give it to me.

Mr. MOON of Pennsylvania. I do not want it myself.

Mr. BARTLETT of Georgia. Mr. Chairman, I ask that the gentleman withhold it for five minutes.

Mr. LITTLEFIELD. The gentleman can take the floor in his own right.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the motion read ten minutes instead of five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. Moon].

The question was taken, and the motion was agreed to.

Mr. BARTLETT of Georgia. Mr. Chairman, I want to say one word in reference to this criticism that has been made by the gentleman from New York [Mr. DRISCOLL] and the gentleman from Iowa [Mr. HERBURN] upon the effort some of us are making to amend this bill. The idea that it is too sacred to be amended will all be dispelled if we read the title of the bill. The title of the bill is "To codify, revise, and amend the penal laws of the United States." The purpose of this bill is to amend or repeal the laws of the United States, and we are simply exercising a prerogative which we have anyhow and which we have under the very title of the bill. Mr. Chairman, I think I can not do anything better to illustrate my objection to this provision than to read the language of a celebrated Democratic judge of the Supreme Court of the United States when one of these like provisions was before the court for decision. I refer to the opinion of Justice Field in the celebrated case of *Ex parte Virginia* (100 U. S. R., 369-370). These are his words:

Those who regard the independence of the States in all their reserved powers—and this includes the independence of their legislative, judicial, and executive departments—as essential to the successful maintenance of our form of government, can not fail to view with the gravest apprehension for the future the indictment in a court of the United States of a judicial officer of a State for the manner in which he has discharged his duties under her laws, and of which she makes no complaint. The proceeding is a gross offense to the State; it is an attack upon her sovereignty in matters over which she has never surrendered her jurisdiction. The doctrine which sustains it, carried to its logical results, would degrade and sink her to the level of a mere local municipal corporation, for if Congress can render an officer of a State criminally liable for the manner in which he discharges his duties under her laws, it can prescribe the nature and extent of the penalty to which he shall be subjected on conviction; it may imprison him for life or punish him by removal from office. And if it can make the exclusion of persons from jury service on account of race or color a criminal offense, it can make their exclusion from office on that account also criminal; and, adopting the doctrine of the district judge in this case, the failure to appoint them to office will be presumptive evidence of their exclusion on that ground. To such a result are we logically led. The legislation of Congress is founded and is sustained by this court, as it seems to me, upon a theory as to what constitutes the equal protection of the laws, which is purely speculative, not warranted by any experience of the country, and not in accordance with the understanding of the people as to the meaning of those terms since the organization of the Government.

Mr. Chairman, this statute, which was denounced by a judge of the Supreme Court of the United States in 1875, ought to-day receive the same condemnation at the hands of the Congress of the United States. It should go to the regions of the past and be relegated simply as a memory of those dark and unfriendly days which disgraced this great Republic. [Applause.]

Mr. DRISCOLL. Mr. Chairman, I rise to oppose this special amendment. I have been opposed to all the amendments which have been offered, and will be opposed to any material amendments which may be offered to this chapter, for I am aware there are gentlemen on this floor who are striving, and who will strive, to eliminate section by section, and piecemeal, the provisions of these ten sections from the nineteenth to the twenty-eighth, inclusive, which were enacted for the purpose of enforcing the fifteenth amendment of the Federal Constitution.

The gentlemen who favor this particular amendment are, in my judgment, mistaken in their construction of this section, which reads as follows:

Sec. 23. No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall be fined not more than \$5,000.

It does not provide that the United States shall formulate and lay down laws and regulations for the qualification of jurors in the several States, but it does provide that when States do enact laws and formulate rules and regulations for the qualification of jurors there shall be no discrimination on account of race, color, or previous condition of servitude. It was intended to protect negro citizens against unfair treatment on the part of white citizens. In fact, all these nine sections were placed on the books for the purpose of protecting black men in the rights given them by the fifteenth article of our Constitution.

These ten sections of the proposed codification, from 19 to 28, inclusive, were, as the title of this chapter indicates, enacted for the protection of citizens in their political and civil rights. They were passed in rather strenuous times and immediately after the adoption of the fifteenth amendment to the Constitution. They were supplemental to that amendment and were intended for its enforcement. It is also probable that in the minds of the men who drafted these sections they were to have special and local application, because the need of them was local, and, judging from the source from which the opposition to them comes now, they were correct in their views.

Section 19 provides for the punishment of bands of conspirators who, by violence or intimidation, prevent colored citizens from voting.

Section 20 provides for the punishment of those conspirators who commit murder, manslaughter, or other crimes in their efforts to prevent those colored citizens from voting.

Section 21 provides that colored people shall be accorded the same rights and privileges before the law as other people.

Section 22 provides for the protection of negro officers in the service of the United States in the discharge of their official duties. Those who conspire to prevent them from accepting or holding such offices and those who terrorize them and drive them from their positions and homes shall be punished.

Section 23 was intended to protect colored citizens in their right to sit on grand and petit juries; not that the United States Government should prescribe the qualifications of jurors, but the States having prescribed the qualifications, there should be no discrimination against colored citizens.

Section 24 provides for the punishment of any and every military, naval, or civil officer of the United States who orders troops or armed men to election places, except such as are necessary to repel armed enemies of the United States or to keep peace at the polls. It looks as if this was intended for the protection of whites as well as blacks in their right to vote.

Sections 25, 26, and 27 are to the same effect as section 24 and are amplifications of it. The purpose of all these sections was and is to protect all legally qualified citizens in their right of suffrage and to secure for them a fair vote and honest count.

Section 28 provides for the further punishment of those found guilty of the offenses prescribed in the preceding sections.

Notwithstanding the general terms in which some of these sections are couched, the clear intent and purpose of them all were to protect all qualified citizens, and especially colored citizens, in their right to vote, and to protect legally appointed and elected officers in the discharge of their official duties. The object of this particular legislation is so manifest that riders or amendments in the form of labor and industrial legislation, which may be wise and good in themselves, should not be incorporated into it. Such legislation is not germane or pertinent. It would mar the symmetry of this chapter and would give the courts much trouble in its construction and application.

Why are certain gentlemen so determined that this chapter be repealed, as a whole or in part? Simply because it has particular application to their part of the country. It is claimed that these sections should be repealed because they have fallen into innocuous desuetude, and it is urged that their recodification will revitalize them. I admit that they have not been kept fresh and green and enforced in the vigorous manner expected by the Congress which enacted this law. I admit they have been evaded, avoided, and broken times without number. I admit that if all the men who have transgressed these laws were visited with very mild punishment all the jails in the country would not accommodate the prisoners. But what is true of these sections is equally true of the fifteenth amendment to the Federal Constitution. According to that the right of citizens of the United States to vote should not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude, and that Congress should have power to enforce that article by appropriate legislation. Unless you are ready to repeal the fifteenth amendment do not repeal this law, which applies to that article of the Constitution and which was provided for its enforcement.

Mr. BARTLETT of Georgia. Will the gentleman allow me to ask him a question?

Mr. DRISCOLL. I have only a minute. Why don't you gentlemen stand up here before Congress and before the country and agitate for the repeal of the fifteenth amendment? Some of you, in your own localities, may make the repeal of the fourteenth and fifteenth amendments parts of your particular platforms in your particular districts, but no great party has ever yet had the temerity to insert it as a plank in its national platform, and I am surprised that any man on this floor, on either side, who does not represent a district included within the reconstructed States, should presume or dare to vote for the repeal of this law, which means in effect the repeal of the fifteenth amendment. For what force or effect can the provisions of that article have if there is no law by which it can be enforced, and if no punishment can be inflicted upon those who violate it? This law was enacted as a supplement to and as appropriate legislation for the enforcement of that amendment, and both should live or die together. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BARTLETT of Georgia. Division!

The committee divided, and there were—ayes 61, noes 83.

Mr. BARTLETT of Georgia. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] and the gentleman from Pennsylvania [Mr. MOON] will take their places as tellers.

The committee again divided, and tellers reported—ayes 77, noes 93.

So the motion was lost.

Mr. DRISCOLL. I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY. Mr. Chairman, I move to strike out the entire section.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out all of section 23.

The question was taken, and the motion was rejected.

The Clerk read as follows:

SEC. 24. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep the peace at the polls, shall be fined not more than \$5,000 and imprisoned not more than five years.

Mr. WEBB. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

After "polls," in line 15, add "when the President is called upon by the legislature of the State, if in session, or by the governor if the legislature be not in session."

Mr. KEIFER. I would like the Clerk to read the section as it would be amended.

The Clerk read as follows:

Insert after the word "polls," in line 15, the following:

"When the President is called upon by the legislature of the State, if in session, or by the governor if the legislature be not in session;" so that it will read: "To keep the peace at the polls, when the President is called upon by the legislature of the State, if in session, or by the governor if the legislature be not in session."

Mr. WEBB. Mr. Chairman, I assure the House that this amendment is not offered out of a spirit of resentment or rancor growing out of the civil war. That war was fought forty-two years ago. Most of us younger men on this side of the House were born after the fearful days of those unhappy times, and we can not quite enter into some of the feeling displayed by some Members on both sides; and we do hope that that kindly feeling which is uniformly shown by Members on both sides of the House in private conversation will manifest itself during the discussion of these statutes.

I have offered this amendment, Mr. Chairman, for the purpose of giving the legislature, the governor, or the President if called upon, an opportunity to have troops keep the peace at polls. Now, mark you, we will all agree that Federal troops would have no right to keep the peace at the polls in the State of my friends from Maine [Mr. LITTLEFIELD or Mr. POWERS] in case a prohibition election were held and the peace were being disturbed; yet this statute gives Federal troops that power to interfere in purely State elections unless you adopt the amendment I have offered. Now, if a President, Member of Congress, or amendment of the Constitution of the United States were being voted for, that power might be exercised and this statute then would operate; but in no case where a private prohibition law or other private election—purely a State election—is being held should the Federal troops be allowed to interfere unless asked for by the governor or the legislature. It ought to be repugnant to the States rights idea of every Republican, I think, on that side of the House. No harm can come to your State by placing this amendment on the statute. It provides that Federal troops shall not be used at the polls unless the President is called upon by the legislature when in session or by the governor when the legislature be not in session.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. WEBB. Certainly.

Mr. MANN. Does the gentleman think it practicable to codify the laws and at the same time correct all the crudities in the criminal laws?

Mr. COCKRAN. That is the object of revision.

Mr. WEBB. In answer to my friend from Illinois, I maintain that this committee, able and painstaking as it is and has been, is absolutely unable to carefully codify, revise, and amend the mass of law as it should be on the statute books, and



that it ought not to be taken as an offense against the ability of the committee to present bona fide amendments.

Mr. MANN. Nobody questions that.

Mr. WEBB. The gentleman from Pennsylvania [Mr. Moon] and the gentleman from Kentucky [Mr. SHERLEY] in their opening speeches invited proper amendments to this measure. And if this law should be amended, we can do it now as well as any time. This will be the last codification we will have in many years to come. In a multitude of counsel there is wisdom.

Mr. MANN. Sometimes.

Mr. WEBB. That is the theory of this Government anyway, that the majority should rule, and that in a multitude of counsel there is wisdom.

Mr. MANN. But you are not willing for the majority to rule, because you have discovered that the majority of this House does not sustain these propositions; yet they are still brought up here to take up time.

Mr. WEBB. I beg my friend's pardon. He will not say, surely, that I have filibustered for a moment, or that I have offered a single amendment to these statutes that has not been accepted.

Mr. MANN. I am not speaking of the gentleman in that respect.

Mr. WEBB. I hope he will not, because I have no purpose to retard the House in passing this bill. It ought to be passed, and I am acting in entire good faith in offering these amendments. I hope the gentleman will not charge me with any other motive.

Mr. MANN. Does the gentleman believe this bill will ever be passed, if we take time to correct all the little things in the law that ought to be corrected?

Mr. WEBB. I will say to the gentleman that we have six months, about every other day, in which to discuss these measures, and he is a good lawyer, and there are a great many good lawyers in this House, and we ought not to go along carelessly and pass a jumble of measures if any of them ought to be amended.

Mr. MANN. If the gentleman will pardon me—I do not wish to take his time—

Mr. WEBB. Go ahead.

Mr. MANN. There was a commission appointed to bring in a report for the codification of the laws. That commission reported.

Mr. WEBB. And did well, I think.

Mr. MANN. Did extremely poorly, in the opinion of most of the Members of the House.

Mr. WEBB. Not in my opinion, however.

Mr. MANN. That commission reported not a mere codification of the law, but a revision of the law, and when it was presented to this body it was looked upon with great suspicion, and never was entertained seriously for a moment so far as its passage was concerned; and thereupon the Committee on Revision of the Laws commenced its work, and a joint commission was appointed to codify the laws, and in the debate which took place in this House it was repeatedly stated that it was hoped that the new commission would confine itself to the codification of the law, and not attempt to revise the law. Now the gentlemen are proposing to revise the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman have five minutes longer. Is there objection?

There was no objection.

Mr. WEBB. Now, Mr. Chairman, let us get back to the original proposition; and I want to ask my friend from Illinois a question. Do you oppose this amendment providing that Federal troops shall not interfere with purely State elections unless called upon by the legislature through the President, or by the governor of that State through the President, to do so?

Mr. MANN. I oppose every amendment that is offered that is partisan in its nature, on a codification of the law, when it is proposed to change a law that has been on the statute book for many years, and the gentleman has never introduced a bill to make a change. I shall vote against every proposition of that kind until I believe the codification bill has gone up in smoke. Then I am perfectly willing—

Mr. COCKRAN. Will the gentleman yield for a question?

Mr. MANN. If the gentleman from North Carolina yields to me.

Mr. WEBB. Yes; certainly.

Mr. COCKRAN. Suppose a statute has become obsolete, as a number of these statutes have become. Will not the passage of them here now be a practical reenactment of them?

Mr. MANN. A practical reenactment in one way; a theoretical reenactment, of course. The law will never have ceased. It will give them no additional force, not in the slightest degree. It will not make them live laws. It will not change their status in any way whatever, and the only question is whether we will put the penal code in one volume or whether we will scatter it through thirty or forty.

Mr. COCKRAN. I beg to differ with the gentleman as to the effect of reenactment here specifically, as to judicial construction.

Mr. WEBB. My friend from Illinois assumes too much. He assumes that this is a partisan amendment. I do not propose to introduce a single partisan amendment to this entire bill, and I can not for my life see how the gentleman from Illinois can reach the conclusion that this is a partisan amendment. It affects his State just as much as it affects North Carolina—both sovereign Commonwealths. I should think it would appeal to every Republican as well as to every Democrat who believes that his legislature or his governor ought to be consulted on everything affecting his own State affairs.

Mr. MANN. The gentleman's amendment may not be partisan, but when the House divides all the Democrats will vote for the amendment and all the Republicans against it.

Mr. COCKRAN. The gentleman's side can correct that.

Mr. MANN. Oh, yes; we can correct it, but it is not for that side to correct anything.

Mr. WEBB. The gentleman from Illinois is assuming too much when he says that if the House divides—which I hope it will not—that all the Republicans will vote against the amendment and all the Democrats for it. He will find on that side, I believe, Members in favor of this amendment. None of them, I dare say, would dare oppose such an amendment before their people.

Mr. MANN. The gentleman knows that no one on that side ever votes for a proposition coming from this side.

Mr. WEBB. You have never offered one, nor has your side offered one so far in the consideration of this bill. My friend is making a partisan matter of a measure which I introduced in good faith. If gentlemen do not want to vote for it they can kill it, but I have no partisan rancor in my breast. It seems to me that it is an amendment that every Republican ought to be in favor of; every man who regards the wisdom of his own legislature and his governor ought to be willing to support an amendment providing that no troops shall come into his State to interfere in the affairs of his State unless requested by the legislature or the governor of the State. I hope the gentleman will not try to mystify and throw dust on this amendment by saying that it is a partisan measure.

I was born seven years after the war closed. Another war has been fought since then, and my State furnished the first blood shed under the flag that was threatened in 1898, and if war ever comes again, you will find from North Carolina and from every Southern State men who will give their best blood for the flag of the Republic. [Applause.]

Now I hope my friend from Illinois—because I know his usual fairness toward the South—will not try to make Members vote on this side or that side against the amendment on the ground that it is partisan. I hope that he will not assume that it is a partisan issue. I assure him that it is not, and he ought not to make such an argument before this House.

Mr. KEIFER. Mr. Chairman, in a somewhat modified form the motion of the gentleman from North Carolina [Mr. WEBB] brings up the most memorable question in some respects that was ever before the Congress of the United States. Twenty-nine years ago, when the Democratic party was just coming into power before the Forty-sixth Congress, the united Democracy of both Senate and House resolved that this section that it is proposed to reenact in this codification and other sections of like character of our Revised Statutes should be repealed. At the close of the session of the Forty-fifth Congress we found the then Democratic Senate voting against all the general appropriation bills in that Congress on the ground that it would never vote for another appropriation bill in this country to carry on the Government unless this section and section 2002 and other kindred sections were repealed.

Their proposition boiled down was that it should become a law and rule of the United States that the Army and Navy might be used to keep the peace, put down riots, preserve order on every day in the year except one, and that was the sacred day when elections were held, and on that day nobody was to interfere with the Democratic party in having or keeping up riot and bloodshed if it so desired. That was the grave proposition then.

The Forty-fifth Congress adjourned without making necessary appropriations, and a special session of the Forty-sixth Congress was called. The Forty-sixth Congress came in under a call of President Hayes, and I heard a distinguished gentleman on that side of the floor, on the opening of that special session, say that the Democrats would stand here until the marble of the Capitol crumbled into dust before they would vote another dollar to carry on the Government unless this section of the law was repealed, so that they could have their elections free from Federal interference in the South. But when they got hungry, the legislative bill not having passed, their pockets got empty, and they let in one bill to pay the Members [laughter], and, from time to time, although under the veto power of the President, the attempts to repeal the sections failed. We did not get enough appropriations to carry on the Government; and this section is the law of the land to-day. It has gone through all the intervening years and Congresses, but now my friend from North Carolina [Mr. WEBB] wants to modify it. Then was the day for modification; there was no double siding and no compromise in those days.

The purpose was to repeal the sections absolutely and to take from the President the power to use the Army anywhere in the United States on election day—the effort was to take from the President his constitutional powers. A little bill, about 3 inches long, was agreed upon in the Democratic joint caucus of the Forty-sixth Congress and passed through both Houses of that Congress, taking away all the President's power over the Army on election days and to nullify these sections. The President vetoed it, and no such bill has been talked about, I believe, since. I hope we will stand by and leave the section under consideration, whether it be obsolete or not, stand as a monument of its greatness, thus upholding the Government in its strength and power, and the President in the exercise of the high duties given him by the Constitution of the United States as the Commander in Chief of the Army and Navy of the United States. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

Mr. WEBB. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. If there is no objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The question was taken, and on a division, demanded by Mr. WEBB, there were—ayes 51, noes 77.

So the amendment was rejected.

The Clerk read as follows:

SEC. 30. Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be fined not more than \$1,000 or imprisoned not more than ten years, or both.

Mr. DE ARMOND. Mr. Chairman, I move to strike out the last word. I observe that in the rewriting of these sections the revision committee, instead of following the language in the statutes, "or by both such punishments," or "or by both fine and imprisonment," simply put in the words "or both." I suppose the meaning is the same. I merely wish to call the attention of the gentlemen to the fact. I suppose the effort was to improve the phraseology. I do not think that effort met with success. It does not seem to me that the revisers have improved the reading at all. Upon the contrary, I do not think the reading is as good as it was before. Persons offending, according to this revision, "shall be fined not more than \$1,000 or imprisoned not more than ten years, or both." The "or both" is a shortening, of course, but certainly it is not as good phraseology as that ordinarily employed in the statutes, "or shall be punished by both such fine and imprisonment." I merely call the attention of the committee to the fact, not with the hope that there will be any change made. These gentlemen, I suppose, did their changing deliberately, and no doubt thought they were improving the statutes when they did it. I don't know exactly what led them to do it. I suppose it was the notion that this is better phraseology, and

I presume the committee and the House will agree with them. I merely wish to say for myself that I think it is not as good phraseology. While they have saved a few words, I think that the composition is not so good as it was before, and the mere economy of a few words in the print is a small consideration when put against what seems to me to be the better expression. Neither do I think there is any improvement in saying "shall be fined and shall be imprisoned." I believe it is better to follow the old phraseology, "shall be punished by fine," "shall be punished by imprisonment." I think that in both particulars, while we have change and while we have comparative brevity, we have no improvement.

In order to get the matter in a little more concrete form, I move to amend by striking out the words "or both" and inserting "or by both such punishments."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 18, line 4, strike out the words "or both" and insert the words "or by both such punishments."

Mr. DE ARMOND. Mr. Chairman, I really would like to hear from some member of the committee on this general subject of change. It runs all through this revision. If there is a good reason for the wholesale change it does not occur to me. I would like to hear it; and if there be not, perhaps the gentleman will not be so tenacious as to insist upon it.

Mr. MOON of Pennsylvania. Mr. Chairman, I call the gentleman's attention to the fact that this was done in the interests of uniformity. If he will look at the two sections on the opposite page, he will see that the language in each is different. Section 5418 says "by both such fine and imprisonment." Section 5419 says "by both such punishments." A great many other sections say "or both." Therefore, in the interests of uniformity we have adopted the method of saying always "or both," which is certainly perfectly clear.

Respecting the other provision, "by such fine or imprisonment," the language of existing statutes differs. Many of the statutes employ just the language we have employed. Some others do not, and in the line of uniformity alone we have made these changes, and it did seem to the committee then, and it seems to the committee now, that we have made the language of the statute perfectly clear.

Mr. DE ARMOND. The change in the general phraseology, it seems to me, makes still more objectionable the change to these two words "or both." Now, where the phraseology is "by fine or imprisonment," by fine of so much or imprisonment of certain length, or extent, or both, you have to supply practically everything to go with "both." What this means is, I suppose, or shall both be fined so much and imprisoned so long. You leave out really all of the essentials to be found somehow in a word that is not actually essential, the word "both." I do not contend that this does not mean—because evidently the gentleman intends it shall mean—what is meant by the fuller and more euphonious and more desirable statement. I am not talking of the legal effect of it, but what I am talking about is whether there is improvement in the change.

As to the matter of uniformity, I concede there is an argument for that, and I am not trying to combat that argument. What I am trying to suggest is that in the selection of expressions the committee was not happy in selecting the best; that it would have been better, for instance, to say "shall be punished by a fine" of so and so, or "imprisonment" so and so, or by fine and imprisonment. I merely call attention to it, not with a view of accomplishing anything in particular in so doing, but by the way of suggesting to the gentlemen of the Commission that they review this matter in their own minds at some leisure moment and conclude whether or not, to their own individual satisfaction, they might not have chosen a better way of expressing what they have expressed by the use of this terminology, "or both."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. DE ARMOND].

The question was taken and the amendment was rejected.

The Clerk read as follows:

SEC. 31. Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or whoever shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or whoever shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the Government



of the United States, any deed, power of attorney, order, certificate, receipt, contract, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be fined not more than \$1,000 and imprisoned not more than ten years.

Mr. KEIFER. I would like to ask a question of the chairman of the committee. I notice in this section 31 that the word "contract" appears in several places. I do not know why it is put in unless it was not included in the other. Was there any good reason for inserting it now in view of the language used in the original section, where it used the words "or other writing?" Why put in the word "contract" now and enlarge the specification of the section?

Mr. MOON of Pennsylvania. The gentleman will realize that a contract is an important thing to protect, and therefore it was felt that the Government needed that protection respecting the forgery of a contract as well as a deed. Now, with respect to the words "or other writing," the gentleman knows the general construction is that general language of that kind is confined and limited to the enumeration that precedes it. It is a general employment of language to cover any other writing of that kind.

Mr. KEIFER. I do not know as much as is attributed to me. I think the words "or other writing" were put in the original section to include unenumerated writings not specified in the original act, but putting in the word "contract" may not be objectionable unless it operates in some way as a limitation. I think "contract" was always included under the words "or other writing."

But I wish to ask another question. Looking to the top of page 19, in italicized words I find this: "Shall be fined not more than \$1,000 and imprisoned not more than ten years." I have not had time to look at the original section to see its language as to the fine. Is that the same provision relating to punishment that was in the original act?

Mr. MOON of Pennsylvania. The original act is right before the gentleman. There was an alternative punishment. The alternative punishment in the original act is this: "Shall be imprisoned at hard labor for a period of not less than one year or more than ten years, or shall be imprisoned not more than five years and fined not more than one thousand dollars." Now, it was the sense of the committee that there ought to be a uniformity and that there was no need for that alternative form of punishment.

Mr. KEIFER. I have no objection after the explanation, but I think it is always well to inquire when we find new legislation.

Mr. MOON of Pennsylvania. Oh, there is no question about that.

The Clerk read as follows:

SEC. 33. Whoever, being an officer authorized to administer oaths or to take and certify acknowledgments, shall knowingly make any false acknowledgment, certificate, or statement concerning the appearance before him or the taking of an oath or affirmation by any person with respect to any proposal, contract, bond, undertaking, or other matter, submitted to, made with, or taken on behalf of, the United States, and concerning which an oath or affirmation is required by law or regulation, or with respect to the financial standing of any principal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument, shall be fined not more than \$2,000 or imprisoned not more than two years, or both.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the words "or regulation" in line 19, page 19.

The Clerk read as follows:

Line 19, page 19, strike out the words "or regulation."

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. CRUMPACKER. Mr. Chairman, the objection I have to these words is that the section undertakes to make a criminal offense predicated upon a regulation made by a department or a chief of a bureau. We are now engaged in a codification of the penal code of the Federal Government, and this section is altogether a new section, so that the arguments that have been made by members of the committee against making changes in the context, of course, can not apply to this section. In my judgment the words "or regulation" in the section are nugatory. I do not believe that Congress has power to delegate to a department or to a bureau chief authority to make regulations which shall be the basis of a criminal prosecution. The first requirement of a criminal statute is certainty. There ought to be—

Mr. PARSONS. Has it not been decided that in cases where the statute authorizes the department to promulgate a regulation on any of these questions we can provide that a violation of the regulation shall be a crime?

Mr. CRUMPACKER. Well, it depends upon the character of the regulation.

Mr. BONYNGE. Will the gentleman pardon me? I have the

decision in the Williamson case, which is exactly the reverse of the suggestion of the gentleman from New York.

Mr. PARSONS. The gentleman is mistaken. It depends upon whether the regulation is within the purview of the statute or not. It would have been an improper regulation.

Mr. BONYNGE. That is the distinction.

Mr. CRUMPACKER. It depends on the question as to whether the regulation is within the purview of the statute and whether the regulation is for the purpose of carrying out the statute, and if it is that character of regulation it is a regulation required by law and is covered by other language of the section. It is required by law. But here we have a provision predicated a crime upon a violation of a regulation. Unquestionably we have numerous regulations that are outside of statutes and that are not made for the purpose of carrying out statutes. They can not be made the basis of criminal prosecutions.

Mr. PARSONS. Will the gentleman yield to a question?

Mr. CRUMPACKER. Certainly.

Mr. PARSONS. Would not the interpretation of this section mean that it referred only to a regulation that was required by law?

Mr. CRUMPACKER. Well, I do not know. In the Williamson case that was decided on Monday of last week, the United States circuit court upheld an indictment and conviction for subornation of perjury in the making of an affidavit that was required by a regulation promulgated by the Commissioner of the General Land Office, that authorized the Commissioner to make a regulation for the purpose of carrying into effect that statute to be good, but the Supreme Court of the United States held in that case the regulation was not made in pursuance of law, was not made for the purpose of carrying out the law, and in a sense was supplemental to the law. A regulation may be a requirement to carry into effect some detail that perhaps can not be carried into effect any other way. But I do not believe any regulation ought to be made the basis of a criminal prosecution when the law itself does not disclose what the crime is. The criminal laws of the country ought to embody the crime in clear and distinct terms; everything prohibited by law ought to be disclosed, so that the ordinary citizen may know what he may do and what he may not do. I do not believe that a Department regulation, that may be changed overnight, that may be subject altogether to the whim of a bureau chief, ought to be made the basis of criminal prosecution, and, therefore, of course I am against this proposition that has no qualification. If a qualification should follow the words "or regulation" such as "in pursuance of law," it might possibly be a valid provision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, with most of the argument made by the gentleman from Indiana [Mr. CRUMPACKER] I am in thorough accord. Like him, I do not like to see penal statutes based upon departmental regulations; but I do not think the particular section under consideration comes properly within the criticism made by the gentleman from Indiana. What that section punishes is the making by an officer authorized to administer oaths, of a false acknowledgment, or certificate, or statement, concerning the appearance before him of any person who is required to take an oath. Now, the regulation must provide for the taking of an oath, and this section simply punishes any officer who certifies falsely to the taking of an oath; and surely that ought to be punished, no matter when that is made.

Mr. CRUMPACKER. Let me ask the gentleman. Suppose, now, the oath is required by a regulation that is not made in pursuance of law?

Mr. SHERLEY. Then my answer to the gentleman is that there can not possibly be any punishment of an officer for the making of a false statement in regard to a matter that the law does not touch.

Mr. CRUMPACKER. That is exactly the position of the court in the Williamson case.

Now, another question, if the gentleman will permit. If the regulation is made in pursuance of the law, then it is an oath that is required by law, and your provision would cover it, leaving out those words?

Mr. SHERLEY. I am not entirely sure that the word "law" in this penal statute, which is to be construed strictly, would be held to embrace an oath required by regulation. Now, the use of the word "regulation" can do no harm, because if the regulation is not in accordance with law, but is a usurpation, then the certifying falsely to an oath made pursuant to that regulation can not be made a penal offense, whether we declare it or not; and it seems to me that these words simply

make more certain the intention, without endangering in any way the rights of anybody.

Mr. CRUMPACKER. The gentleman has in mind the fact that it cost several citizens of the State of Oregon a couple of years' time and a great deal of expense to have the question determined that an oath made in pursuance of a regulation that was not promulgated in pursuance of law did not constitute a crime. That is, the subornation of perjury in the taking of an oath of that kind. It involved certain citizens in a good deal of embarrassment, trouble, and expense, and I do not believe we ought to enact a penal statute so loosely. I think the question of regulation ought not to go in as a basis of crime at all. If the regulation is not in pursuance of law, then it is no law. If it is in pursuance of law, then it is law, and you do not need any regulation provision.

Mr. SHERLEY. The court would surely construe the word "regulation" to mean a lawful regulation, and if it was not, then there would be no crime committed.

Mr. CRUMPACKER. But we are confronted all the time with the case that was decided a week ago Monday. The lower court decided otherwise, and it required the Supreme Court of the United States to undo the mistake. Should the citizen be subjected to such uncertainty as that in a penal statute?

Mr. SHERLEY. I am more than willing to have any proper restriction placed on the word "regulation," but I am inclined to think the effect of the gentleman's amendment, if adopted by the committee, would be to exclude those cases of false certifying where the oath was properly required by regulation, and that the gentleman does not desire to do, I am sure.

Mr. PARSONS. I should like to call the attention of the gentleman from Indiana to the further fact that this section only punishes the officer who knowingly makes a false acknowledgment concerning the appearance before him, or the taking of an oath or affirmation by any person. It is not a case where he is in default on some regulation that he did not know about. It is a case where he knowingly does something which, morally at least, is wrong.

The CHAIRMAN. The question is upon the motion of the gentleman from Indiana [Mr. CRUMPACKER] to strike out the words "or regulation," in line 19, page 19.

The question being taken, on a division [demanded by Mr. CRUMPACKER], there were—ayes 20, noes 40.

Accordingly, the amendment was rejected.

Mr. CRUMPACKER. I move now to amend the section by inserting after the word "regulation," in line 19, on page 19, the words "made in pursuance of law."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On Page 19, line 19, after the word "regulation," insert the words "made in pursuance of law."

Mr. MOON of Pennsylvania. That is all right.

Mr. CRUMPACKER. I understand the gentleman in charge of the bill has no objection to that amendment.

The amendment was agreed to.

Mr. KEIFER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after the word "acknowledgments," in line 12, section 33, page 19, the words "required of him by law;" and insert after the word "make," in line 14 of the same section, the word "therein."

Mr. KEIFER. Mr. Chairman, I would not presume to amend a section of the code of law that had stood the test of time and been construed by the courts, unless there was something extraordinary about it. But this section 33 seems to be new throughout; certainly in the matter of its language. It may fairly be read to make penal a certificate made by an officer authorized to administer oaths, whether it be one he is required to make by law or not. If he happens to be an officer authorized to administer oaths and makes a false certificate about something else than the law requires of him in his official character, he is still, under the language used, to be subject to a large fine and imprisonment as the section now reads.

I call the attention of the committee to this. My desire is to have it read so there will be no doubt about it. If my amendment is adopted it would read like this:

Whoever, being an officer authorized to administer oaths or to make and certify acknowledgments required of him by law, shall knowingly make therein any false acknowledgment, certificate, or statement concerning the appearance before him, etc.

If he is an officer authorized to administer oaths, then, if my amendments are agreed to, it must be some certificate he makes as to that administration of the oath or some other certificate, if the law provides for any such for the officer to make. I do not want to make it a penal offense against a notary public that he shall be punished for making a false certificate about

a matter that his oath of office does not require him to make a certificate about at all. That is the purpose of my amendments, so as to confine it to the official acts or conduct of the officer. The draftsman of this bill has simply drawn it in a spirit of desire to reach the very question I suggest, and not make the thing sought to be made criminal an offense simply because the man is an officer.

Mr. SHERLEY. Mr. Chairman, the purpose of this section is to punish any man who is authorized to administer an oath or take an acknowledgment who does administer an oath or take such acknowledgment, in matters where they are required by law, and then makes a false return. Now, a notary public is never required by law to administer an oath in matters that come within the purview of this section, but he is glad to administer an oath for the fee that he gets for doing it. If, as an officer qualified to administer an oath, he falsely administered it, the fact that he is not required by law to act in the matter has nothing to do with it; he ought to be punished if he falsely certifies to an oath, and the very amendment that the gentleman offers would vitiate the whole purpose of the section, and the amendment ought to be voted down.

Mr. KEIFER. I want the gentleman from Kentucky to understand the purpose of my amendment. The statement of the gentleman from Kentucky as to the object of the section is undoubtedly right, but the section itself would be open to the construction that if the certificate was in reference to anything not required by law he would still be punishable. The section, if left to stand as it is in the bill, would be indefinite, and it would require the courts to construe it in litigation, and all that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 41. Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and imprisoned not more than three years.

Mr. RUSSELL of Missouri. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 24, in lines 10, 11, and 13, strike out the following: "Three times the amount of money or value of the things so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered," and insert in lieu thereof the following: "\$10,000."

Mr. RUSSELL of Missouri. Mr. Chairman, in offering this amendment, I am not inspired by any hostility to the committee that has introduced this bill, nor is it my purpose to criticize the work of that committee. I am at this time a member of the Committee on the Revision of the Laws, but was not a member of that committee when this bill was prepared, and hence claim none of the credit due for the provisions that it contains. I believe that this bill is a very great improvement upon the criminal law as it now stands, and will greatly simplify and improve the present criminal code. The greater part of this bill I gladly indorse, and will with pleasure support. But as the work of human hands is never perfect, neither is this bill perfect, but I believe will be greatly improved by the adoption of this amendment.

I understood the gentleman from Kentucky [Mr. SHERLEY] last week in his able address, explaining the work of this commission and the provisions of this bill, to invite the membership of this House to examine it carefully and to cooperate with the committee in trying, if possible, to make it more perfect.

The amendment that I now propose is offered in good faith, and I think is one that ought to be adopted. This section of the statute is aimed at bribery, and in the light of recent revelations in the United States it is a crime of the gravest import and one that I believe the people of this country desire to suppress. The municipalities of the United States, from ocean to ocean, have been found teeming with official corruption and a great



many officers of the different cities have been prosecuted and convicted of accepting bribes.

State legislators have been accused of crimes, and some of them have been indicted and convicted. Within the last five years four United States Senators have been indicted for malfeasance in office, and two of them have been convicted by juries. I believe that officials as a rule are honest and conscientious, but recent events have established the fact that some are not. I know that the great majority of the American people are honest and that they want honest officers. It is the desire of the people of this country to adequately punish and suppress official corruption and to purify the public service, and I believe that much has been done in late years by the agitation of that question that has been going on throughout the length and breadth of the country. Many men, and officials, have been promoted to higher offices of honor and trust because of their zeal and their fidelity to the cause of the people in the prosecution of criminal officials.

The present governor of the State of New York won his popularity, which made him governor of that State, by unearthing and exposing the extravagance, the frauds, and the mismanagements of some of the great insurance companies of the country.

In the State from which I come, and which I have the honor in part to represent, the imperial State of Missouri, the present governor of that State won the popularity and distinction that made him the chief executive of that great Commonwealth by his honesty, fidelity, and zeal in the prosecution of official corruption in the city of St. Louis as its circuit attorney. Many men in recent years have been made Presidential possibilities by reason of their prosecution of crime in official life and by respecting and defending the rights and the safety of the people.

The effect of this amendment is simply to make definite and certain the punishment for this offense. The punishment as now provided by this bill is five years' imprisonment and a fine of three times the amount of the bribe offered.

Mr. PARSONS. Will the gentleman yield?

Mr. RUSSELL of Missouri. Yes, sir.

Mr. PARSONS. I would like to ask the gentleman where in the existing law the punishment he refers to is to be found?

Mr. RUSSELL of Missouri. It is found in the preceding section.

Mr. PARSONS. Yes; and the preceding section gives just the punishment which is found in section 41, which has been read. The preceding section referred to is section 5450, bribery of Members of Congress, and there the punishment is just the one we provided in this section.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. RUSSELL] has expired.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent that the time of my colleague be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUSSELL of Missouri. If I am in error it is the fault of this bill, as I read from the preceding section as it here appears; but whether that is correct or not the punishment as provided is fixed at three years' imprisonment and a maximum fine of three times the amount or value of the bribe that is offered.

Mr. PARSONS. The punishment now under section 5451, of which this is a paraphrase, is the same as it was in section 5450; 5451 provided that the punishment for bribery of any United States officer should be the same as in the preceding section, which is section 5450, and that is the section relating to bribery of Members of Congress, and the punishment there reads thus:

Shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or cause to be procured to be so offered, promised, given, made, or tendered, and imprisoned not more than three years.

That is the very language we have inserted in this section. We had to insert it in this section because what was the preceding section in the Revised Statutes is now placed under another chapter, and we could not refer to it here; so we had to insert the punishment verbatim.

Mr. RUSSELL of Missouri. Whether this proposed bill changes the existing law or not can make no difference with the point that I make. The fine ought to be made a fixed sum and ought not to be, as this bill now reads, three times the amount of the bribe that may be offered, for the very good and sufficient reason that the value of the bribe offered may not be susceptible of accurate ascertainment.

Mr. LITTLEFIELD. How can you prove the bribe without proving the amount?

Mr. RUSSELL of Missouri. I answer that you can bribe a man with a railroad pass, but how will you determine the value of that pass? The value of the pass depends upon how much you use it. If it is not used at all, it has no value, but if it is used frequently and extensively, it has a great value.

Bribes might be offered, or given, in some character of property, as a cane, a ring, or a watch, where the value of the reward thus given would be a matter requiring the investigation of the court trying the case before it could determine the maximum fine that should be imposed.

Mr. Chairman, I insist that the fine to be inflicted for a crime so grave as the bribing of a public officer ought to be fixed at some definite sum, say \$1,000, \$5,000, or \$10,000, but do not fix it at three times the amount of the bribe offered, because that is uncertain, indefinite, and can not be accurately ascertained.

Mr. PARSONS. The difficulty with the gentleman's amendment is illustrated by the Greene and Gaynor cases, where they obtained several hundred thousand dollars and were fined, I believe, several hundred thousand dollars in addition to imprisonment. Now, in those cases a punishment of only \$10,000 fine would be no fine at all, and would not compare with the offense.

Mr. RUSSELL of Missouri. Then make the maximum fine larger; make it \$100,000 if \$10,000 is not large enough.

If a railroad pass is offered to a man as a bribe for his vote or other official action you could not under this law fine the bribe giver even \$10 without showing to what extent he had used the pass, as that alone would establish its value. This would require a separate investigation by the court and prove to be very difficult, if not impossible, to fairly arrive at the value of the bribe given.

Mr. HUGHES of New Jersey. What would the gentleman say to a suggestion to make the fine not less than \$10,000?

Mr. RUSSELL of Missouri. I have no objections to that. My amendment is asking to make the maximum \$10,000, but I will be satisfied with any other definite sum that is large enough to be commensurate with this character of crime.

Mr. Chairman, I for one am not willing that this, the Sixtieth Congress, shall announce to the world that it is disposed to weaken or lightly consider the law creating the crime of official bribery, nor to impose a fine that is trivial, indefinite, or inadequate for its infraction. [Applause.]

[Here the hammer fell.]

Mr. COCKRAN. Mr. Chairman, I desire to offer an amendment to the amendment offered by the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Strike out the words "three years," in section 41, page 24, and insert "ten years, and shall be disqualified thereafter from holding any office of honor or profit under the Government of the United States."

Mr. COCKRAN. Mr. Chairman, the object of this amendment is to increase the penalty imposed by the section as it stands for the heinous crime of bribing an officer of the United States, a penalty which, in my judgment, is wholly inadequate, or at least may be wholly inadequate under such circumstances as the gentleman from Missouri has suggested. I think the section is open particularly to objection in that it leaves a person who has corrupted a public officer, and thus debauched the Government, eligible to hold the highest office under the same Government. Under the law as reported by the committee, while the bribe taker would be excluded from the public service, the bribe giver would remain entirely eligible. I believe the bribe giver quite as bad and often worse than the bribe taker. I think it would be monstrous to leave the bribe taker disqualified and the bribe giver eligible. I think both should be condemned to the same infamy, and for that reason I press my amendment.

Mr. WILLIAMS. Mr. Chairman, this language reads that the man who violates the provisions of this statute shall be fined "not more" than three times the amount of the money or the value of the thing offered as a bribe. That leaves it with the court to fine him anything less than three times the amount. The court might fine him \$1.

Now, Mr. Speaker, all free institutions in a country resting upon popular suffrage rest upon the intelligence and the integrity of the citizen. In a certain sense, therefore, the highest crime that can be committed in a country like ours, except actually waging war against the Constitution, would be corrupting legislation or the administrators of justice. Now, this is a fine that may be next to nothing; may be 25 cents.

Mr. Speaker, the old law read, when it got down to where this language comes, "shall be punished as prescribed in the preceding section," and that punishment prescribed in the preceding section was not more than \$10,000 nor imprisonment more than five years.

Mr. MOON of Pennsylvania. We cut out the preceding section—5450.

Mr. WILLIAMS. I beg your pardon. The chairman of the committee informs me that the preceding section referred to in this was cut out.

Mr. MOON of Pennsylvania. Put in another place.

Mr. WILLIAMS. I do not know, therefore, what the penalty in the preceding section stricken out was.

Mr. MOON of Pennsylvania. Exactly this.

Mr. LITTLEFIELD. The same penalty.

Mr. WILLIAMS. But the chairman tells me it was the same as occurs now in section 40.

Mr. HOUSTON. The same as in section 41.

Mr. MOON of Pennsylvania. That is existing law exactly.

Mr. WILLIAMS. Mr. Chairman, I understand now that the preceding section at the time that this was taken up by the Commission prescribed the same penalty as is now prescribed in the section that I am discussing. That changes the comparison that I was going to make, but it does not change my objection to the language of this penalty, which is "not more than three times the amount or value" of the thing offered as a bribe. It seems to me it ought to be "not less than three times the amount." Next to treason itself this is the greatest crime in a free republic. Nay, it is even a form of treason, because it poisons our institutions at the fountainhead of the river.

If the present motion is voted down I shall move to strike out the word "more" and to substitute the word "less."

Mr. MOON of Pennsylvania. Mr. Chairman—

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. GAINES of Tennessee. Mr. Chairman—

The CHAIRMAN. The gentleman from Pennsylvania was recognized and has the floor.

Mr. GAINES of Tennessee. I ask for recognition.

The CHAIRMAN. If the gentleman from Tennessee desires the floor, he is entitled to it.

Mr. MOON of Pennsylvania. I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Chairman, we are here legislating upon the bribing of Members of Congress. If anything of that kind has been done for a long time I am not aware of it, but this is a good law and ought to be enforced. I have this in mind: We should not only punish the man who takes the bribe and the man who gives the bribe, but the lobbyist who helps the bribe giver and is possibly the bribe giver himself. Now, I want to ask my distinguished friend in charge of this bill, Is there any Federal law on the subject of lobbying? Does my friend from Pennsylvania know of any?

Mr. MOON of Pennsylvania. I do not know that I exactly know what the gentleman means by the term "lobbying." There is no such language in the penal statutes of the United States.

Mr. GAINES of Tennessee. Then I beg the indulgence of the committee. I do not want to take up too much of your time. Just let me read now, in your hearing, something that you ought to hear.

Bouvier treats the subject thus:

#### LOBBYIST.

One who makes it a business to procure the passage of bills pending before a legislative body.

One "who makes it a business to 'see' members and procure by persuasion, importunity, or the use of inducements, the passage of bills, public as well as private, which involve gain to the promoters." (1 Bryce, Am. Com., 158.)

A contract for the employment of personal influence or solicitation to procure the passage of a public or private law is void (21 Barb., 361; 16 How., 314; 34 Vt., 274; 15 Oreg., 330) as contrary to morals and tending to inefficiency in the public service (93 Wis., 393); if by its terms or by necessary implication it stipulates for, or tends to, corrupt action or personal solicitations (69 U. S., 45; 98 Ind., 238; 36 N. Y., 235; 45 Id., 543; 127 Id., 370; 18 Ohio St., 469; 149 Pa., 375). And, if the contract is broad enough to cover services of any kind, either secret or open, honest or dishonest, the law pronounces a ban upon the contract itself. (2 McArthur, 268.) It is not required that it tends to corruption. If its effect is to mislead, it is decisive against the claimant. It may not corrupt all, but if it corrupt or tend to corrupt some, or if it deceive or tend to deceive some, that is sufficient to stamp its character with the seal of reprobation before a judicial tribunal. (5 W. & S., 315; 7 Id., 152; 59 Pa., 19; 100 Id., 561.) But it has been held that though the contract contemplates the use of personal solicitation, yet if no personal influence is brought to bear upon the members, and no dishonest, secret, or unfair means employed, to accomplish the object, it is not illegal. (86 Cal., 542.)

Where the agreement is for compensation contingent upon success, it suggests the use of sinister and corrupt means for the accomplishment of the desired end. The law meets the suggestion of evil and strikes down the contract from its inception. (69 U. S., 45; 98 Ind., 238.)

I now read from an opinion of the Supreme Court of the United States delivered in 1874, *Trist v. Child*, 88 U. S. Reports, 441 to 453. Trist had a claim against the Federal Government. He employed Child to collect his claim from Congress. They were both men of good character. Child was to be paid nothing if he failed to collect. The claim was collected and Child had to sue for his commission. The lower court allowed him pay for his services, but the Supreme Court dismissed the bill because he had lobbied with Congress to procure the appropriation. The proof showed that Child did "lobby." Mr. Justice Swan, for the whole court, in dismissing the bill on lobbying and lobby contracts, with great force said:

But there is an objection of STILL GREATER GRAVITY TO THE APPELLEE'S CASE.

Was the contract a valid one? It was, on the part of Child, to procure by lobby service, if possible, the passage of a bill providing for the payment of the claim. The aid asked by the younger Child of Trist, which indicated what he considered needful, and doubtless proposed to do and did do himself, is thus vividly pictured in his letter to Trist of the 20th February, 1871. After giving the names of several members of Congress from whom he had received favorable assurances, he proceeds: "Please write to your friends to write to any Member of Congress. Every vote tells, and a simple request may secure a vote, he not caring anything about it. Set every man you know at work, even if he knows a page, for a page often gets a vote."

In the Roman law it was declared that "A promise made to effect a base purpose, as to commit homicide or sacrilege, is not binding." In our jurisprudence a contract may be illegal and void because it is contrary to a constitution or statute, or inconsistent with sound policy and good morals. Lord Mansfield said: "Many contracts which are not against morality are still void as being against the maxims of sound policy."

It is a rule of the common law of universal application that where a contract, express or implied, is tainted with either of the vices last named, as to the consideration or the thing to be done, no alleged right founded upon it can be enforced in a court of justice.

Before considering the contract here in question it may be well, by way of illustration, to advert to some of the cases presenting the subject in other phases in which the principle has been adversely applied.

The court further says:

Within the condemned category are:

An agreement to pay for supporting for election a candidate for sheriff; to pay for resigning a public position to make room for another; to pay for not bidding at a sheriff's sale of real property; to pay for not bidding for articles to be sold by the Government at auction; to pay for not bidding to a contract to carry the mail on a specified route; to pay a person for his aid and influence in procuring an office, and for not being a candidate himself; to pay for procuring a contract from the Government; to pay for procuring signatures to a petition to the governor for a pardon; to sell land to a particular person, when the surrogate's order to sell should have been obtained; to pay for suppressing evidence and compounding a felony; to convey and assign a part of what should come from an ancestor by descent, devise, or distribution; to pay for promoting a marriage; to influence the disposition of property by will in a particular way.

The question now before us has been decided in four American cases. They were all ably considered, and in all of them the contract was held to be against public policy and void. We entertain no doubt that in such cases, as under all other circumstances, an agreement, express or implied, for purely professional services, is valid. Within this category are included drafting the petition to set forth the claim, attending to the taking of testimony, collecting facts, preparing arguments, and submitting them orally or in writing to a committee or other proper authority, and other services of like character. All these things are intended to reach only the reason of those sought to be influenced. They rest on the same principle of ethics as professional services rendered in a court of justice, and are no more exceptionable. But such services are separated by a broad line of demarcation from personal solicitation and the other means and appliances which the correspondence shows were resorted to in this case. There is no reason to believe that they involved anything corrupt or different from what is usually practiced by all paid lobbyists in the prosecution of their business.

The foundation of a republic is the virtue of its citizens. They are at once sovereigns and subjects. As the foundation is undermined, the structure is weakened. When it is destroyed, the fabric must fall. Such is the voice of universal history. The theory of our Government is that all public stations are trusts, and that those clothed with them are to be animated in the discharge of their duties solely by considerations of right, justice, and the public good. They are never to descend to a lower plane. But there is a correlative duty resting upon the citizen. In his intercourse with those in authority, whether executive or legislative, touching the performance of their functions, he is bound to exhibit truth, frankness, and integrity. Any departure from the line of rectitude in such cases is not only bad in morals, but involves a public wrong. No people can have any higher public interest, except the preservation of their liberties, than integrity in the administration of their government in all its departments.

The agreement in the present case was for the sale of the influence and exertions of the lobby agent to bring about the passage of a law for the payment of a private claim, without reference to its merits, by means which, if not corrupt, were illegitimate, and, considered in connection with the pecuniary interest of the agent at stake, contrary to the plainest principles of public policy. No one has a right, in such circumstances, to put himself in a position of temptation to do what is regarded as so pernicious in its character. The law forbids the inchoate step and puts the seal of its reprobation upon the undertaking.

If any of the great corporations were to hire adventurers who make market of themselves in this way to procure the passage of a general law with a view to the promotion of their private interests, the moral sense of every right-minded man would instinctively denounce the employer and employed as steeped in corruption and the employment as infamous.

If the instances were numerous, open, and tolerated, they would be regarded as measuring the decay of the public morals and the degeneracy of the times. No prophetic spirit would be needed to foretell the consequences near at hand. The same thing in lesser legislation, if not so prolific of alarming evils, is not less vicious in itself nor less



to be condemned. The vital principle of both is the same. The evils of the latter are of sufficient magnitude to invite the most serious consideration. The prohibition of the law rests upon a solid foundation. A private bill is apt to attract little attention. It involves no great public interest, and usually fails to excite much discussion. Not unfrequently the facts are whispered to those whose duty it is to investigate, vouched for by them, and the passage of the measure is thus secured.

Mr. Chairman, I do not think that this subject has been discussed during my term of service in the House. I have been intending and shall yet introduce a bill on this subject. The people have the right to "petition" or "remonstrate" with Congress. A petition is a written instrument, signed by the petitioner and filed with the committee or filed with the court or with the clerk of the court, or filed with Congress. It is then open to the public. It does not mean this thing of going around through public places here and in the States and going behind closed doors, or riding out at midnight in automobiles, or working "under cover" to bring about legislation that should or should not be passed. Lobbying is in derogation of public morals and the public safety, and should not be allowed. The Supreme Court so declared in this case. I continue to read from that decision:

If the agent is truthful and conceals nothing, all is well. If he uses nefarious means with success, the springhead and the stream of legislation are polluted. To legalize the traffic of such service would open a door at which fraud and falsehood would not fail to enter and make themselves felt at every accessible point. It would invite their presence and offer them a premium. If the tempted agent be corrupt himself and disposed to corrupt others, the transition requires but a single step. He has the means in his hands, with every facility and a strong incentive to use them. The widespread suspicion which prevails and charges openly made and hardly denied lead to the conclusion that such events are not of rare occurrence. Where the avarice of the agent is inflamed by the hope of a reward contingent upon success and to be graduated by a percentage upon the amount appropriated, the danger of tampering in its worst form is greatly increased.

It is by reason of these things that the law is as it is upon the subject. It will not allow either party to be led into temptation where the thing to be guarded against is so deleterious to private morals and so injurious to the public welfare. In expressing these views we follow the lead of reason and authority.

We are aware of no case in English or American jurisprudence like the one here under consideration where the agreement has not been adjudged to be illegal and void.

We have said that for professional services in this connection a just compensation may be recovered. But where they are blended and confused with those which are forbidden the whole is a unit and indivisible. That which is bad destroys that which is good and they perish together. Services of the latter character, gratuitously rendered, are not unlawful. The absence of motive to wrong is the foundation of sanction. The tendency to mischief, if not wanting, is greatly lessened. The taint lies in the stipulation for pay. Where that exists, it affects fatally, in all its parts, the entire body of the contract. In all such cases, *propter conditio defendantis*. Where there is turpitude, the law will help neither party.

The older agent in this case is represented to have been a lawyer of ability and high character. The appellee is said to be equally worthy. This can make no difference as to the legal principles we have considered nor in their application to the case in hand. The law is no respecter of persons.

Decree reversed and the case remanded, with directions to dismiss the bill.

Mr. Chairman, I thank the committee for this indulgence. I dislike to read from books. I could have given you my ideas about "lobbying" much more quickly than I have been able to express them through the words of the Supreme Court, but I wanted the highest authority to speak for me to you. A man has a right to go before a committee and argue his case and he has a right to petition and the right to remonstrate and the courts have so declared, but to "lobby" is not his right. It is a nuisance at common law [laughter]—yes, or any other law.

Mr. LITTLEFIELD. I would ask the gentleman if these remarks apply as well to what is known as the "people's lobby?"

Mr. GAINES of Tennessee. Oh, I hit evil wherever I see it. That "lobby" exists because of the elite's lobby. Sometimes I see evil on the outside of Congress as well as on the inside, but very rarely is my friend from Maine [Mr. LITTLEFIELD] in error. We have honest differences of opinion, of course.

Now, Mr. Chairman, here we are fixing to punish the bribe giver and the bribe taker. I have put my finger here upon a crying evil, "lobbying," that every Member of this Congress knows in a general way. I may say, at least, is being carried on in the District of Columbia; and, I may say, it is carried on with our legislatures in the State of Tennessee and other States. Only last year, or year before that, Tennessee passed an antilobby law in the hope of exterminating this evil. The State of Massachusetts has a good law, and a number of the States have passed them as well, and yet here we have nothing in the District of Columbia to protect Congress and the people. We should have an antilobby law and enforce it.

[Here the hammer fell.]

Mr. MACON. Mr. Chairman, I would not take up a moment of the valuable time of this committee but for the fact that I

understood the gentleman from New York [Mr. COCKRAN] to indicate a moment ago that a bribe giver was worse than a bribe taker.

Mr. COCKRAN. About as bad.

Mr. MACON. We are now dealing with a provision of law that affects each and every one of us as Representatives, and I desire to let it be known that there is at least one Member upon this floor that insists that a bribe taker is worse than a bribe giver. When I entered upon the discharge of the duties of a Representative I took a solemn oath that I would support the Constitution and the laws of this nation, especially the Constitution. Therefore, should I accept a bribe from the bribe giver I have in addition to having disgraced myself by accepting a bribe, violated the sanctity of my oath, and in addition to that, sir, I have seriously insulted the integrity, the honor, and the good name of every man, woman, and child in the district that I represent. Whenever a Representative accepts a bribe, he not only degrades his own name and character, but he reflects upon the integrity and the honor of every individual within the confines of his district, while upon the other hand the bribe giver only disgraces his own name and character. Of the two, Mr. Chairman, I would a thousand times prefer being a bribe giver to that of being a bribe taker, and I believe the gentleman from New York would, too.

Mr. COCKRAN. The gentleman from Arkansas [Mr. MACON], having made some reference to me, perhaps I should explain that the amendment which I have offered does not in any way mitigate the penalties denounced against the bribe taker, while it does impose disqualification from holding office upon any man convicted of corrupting an officer of the United States, in addition to the other penalties inflicted on him by the measure as it stands now. The statement of the gentleman concerning the solemn responsibility assumed by Members of Congress—

Mr. MACON. If the gentleman will yield, I will say that I am in favor of his amendment.

Mr. COCKRAN. The gentleman being in favor of my amendment, it is perhaps unnecessary to prosecute the discussion further. This much, however, I am moved to say by the tenor of his speech: It is twenty years since I was first honored by a seat on the floor of this House. I have served in six Congresses. During all that service I have never discerned an act or heard a whisper that could justify the slightest suspicion that any Member of this House was capable of stooping to questionable conduct, much less to consider an offer of a bribe. I have not, therefore, attempted to discuss the penalties which should be denounced against such a crime. The malefactors at whom I am aiming are men of immense resources, who might perhaps overcome the virtue of some poorly paid officer of the United States, and while profiting enormously from his fall, would yet escape with a lighter penalty if the offense were discovered and both convicted under the law as the committee reports it. I think it would be monstrous if the guilty official were disqualified from ever again holding office under the United States, while the corruptionist who had tempted him to his fall would remain eligible to fill the very office which had been defiled and betrayed through this depravity. The very idea of corrupting a Member of this body seems to me unthinkable, as was parricide among the Greeks. I would not be justified in taking the floor to discuss the penalties to be denounced against a crime that is improbable—almost inconceivable. But, sir, there are other officials whom the records of our courts show to have been susceptible to the wiles and seductions of skilled corruptionists, and I renew an expression of hope that this committee will incorporate into this penal code a disqualification from holding office for every briber who may succeed in corrupting an officer of the United States and thus becloud the credit of our Government.

Mr. MOON of Pennsylvania. Mr. Chairman, on behalf of the committee I object to the amendment. I object to it because this section is the existing law. Many Members have been misled because in printing it it appears in italics. It appears in italics because new to that section. That arose from the fact that in the existing law it says he shall be punished as under the preceding section. The preceding section was carried to another title and therefore the committee wrote into this section the exact language of the preceding section.

Now, therefore, I call attention to the fact that it is existing law. I call the attention of the House further to the fact that in this case the punishment is not alternative, fine or imprisonment, but fine and imprisonment. Any person convicted under that law must suffer imprisonment.

Mr. PERKINS. Does not the gentleman recognize there is a distinction in the criminality where it has reference to a public official bribed by a hundred dollars or a thousand dollars?

Mr. MOON of Pennsylvania. Heretofore, as I am informed, the portion of this sentence imposing a fine has been used for the purpose of recouping the Government for a loss sustained. I am not here to now discuss refined distinctions between different degrees of culpability.

Mr. PERKINS. But the law should be based upon a proper theory of criminality. You would not inflict upon a man who offers a small bribe the same punishment as you would upon a man who offers a large one.

Mr. MOON of Pennsylvania. I repeat, Mr. Chairman, I am not here to explain different degrees of culpability. I am here to reenact the present law as it stands, as it was enacted by Congress, and as it has been upon the statute books a great number of years. But I may say that the distinction between grand and petit larceny which exists in nearly all codes is based upon just this distinction.

Now referring to disqualification to hold office, it seems to be the policy of the Government to visit disqualification to hold office only as a punishment for malfeasance in office. Therefore sections containing such provisions are confined I think wholly in the Federal statutes to the betrayal of a public duty. There was an exception in the case of section 19. The gentleman from Missouri and the gentleman from New York will remember that section 19 provided for conspiracy to deprive a man of his rights guaranteed by the Constitution and laws. There was in that section a disqualification to hold office, and because it did not come under that general classification and because it was an exception to the general principles of law-making as here referred to, the committee accepted an amendment and permitted that clause to be stricken out. Future sections will be found in which officeholders and persons in position of trust and responsibility accepting a bribe are visited with this disqualification. This is existing law. I hope that this amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

Mr. COCKRAN. My resolution was offered as an amendment to the amendment of the gentleman from Missouri, but I am perfectly willing, with the consent of the committee, to withdraw it and offer it again. I withdraw it for the present, and will renew my motion after the vote is taken on the amendment of the gentleman from Missouri.

The CHAIRMAN. Without objection the amendment offered by the gentleman from New York will be withdrawn.

Mr. COCKRAN. Temporarily.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Missouri.

The Clerk read as follows:

Amend by striking out of section 41 all of said section between the word "than," in the 10th line, and the word "and," in the 13th line, and inserting in lieu thereof the words "ten thousand dollars."

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. RUSSELL of Missouri. Division, Mr. Chairman.

The committee divided, and there were—ayes 32, noes 43.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Insert after "years," line 13, "and shall be disqualified thereafter from holding any office of honor or profit under the Government of the United States."

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. COCKRAN. I ask for a division, Mr. Chairman.

The committee divided, and there were—ayes 51, noes 64.

Mr. COCKRAN. Mr. Chairman, I ask for a vote by tellers. Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. COCKRAN] and the gentleman from Pennsylvania [Mr. MOON] will take their places as tellers.

The committee again divided, and tellers reported—ayes 71, noes 75.

So the amendment was rejected.

Mr. BURKE. Mr. Chairman, I have an amendment to section 41.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert after the word "tendered," in section 41, line 13, the following: "the value or amount thereof to be ascertained and certified by the jury as part of its verdict."

Mr. BURKE. Mr. Chairman, it seems to me that if it is wise to adopt and preserve a rule for the strict construction of criminal statutes upon the part of those who administer the law, it

is doubly important that we who frame those laws should be guided by the utmost caution and rigid rules in their enactment.

The section to which my amendment relates attempts to provide two classes of penalties, one in the nature of a fine and the other in the nature of imprisonment. In the matter of imprisonment the verdict of guilty is sufficient warrant for the judge to sentence. In the matter of the fine, however, the penalty provided is three times the value of the thing given or received.

Suppose the article given or received is not cash, and of uncertain value, by what process does the judge fix the amount of the fine?

If the value of the article is laid in the indictment as one amount, which is the value fixed by the prosecutor, and this value in the minds of the jury be wholly different, while that of the judge still differs from both the prosecutor and the jury, who finally fixes the amount? Is it a question of law or a question of fact? Clearly not one of law, and therefore not for the court. Necessarily, it being a question of fact, it should be for the jury, and for that reason the jury should be given specific authority to ascertain it and certify it as part of its verdict. Otherwise the guilty will escape for want of adequate legislation, and to provide against such deficiency I believe this amendment should prevail.

Mr. MOON of Pennsylvania: Mr. Chairman, I feel constrained to oppose that amendment. It is a change of existing law, and I confess that I am not able, under the circumstances of discussing this bill upon the floor of the House, to measure the full extent to which it might change the law. This law has stood for a number of years, and no weakness of the kind suggested by my colleague has ever yet been developed, as far as I know. In a trial of a case for bribery the essential feature of that trial is, Did or did not the man receive a bribe? Is he guilty under the law? Now, in the question of an inquiry by a jury trying the question of guilt or innocence the additional inquiry by the same jury as to the amount of the bribe might, under the rules of evidence, not be competent, and in the infliction of punishment after a conviction the court has always the fullest opportunity of making an independent investigation to ascertain the amount of the bribe. Therefore, as it changes existing law, I am opposed to the amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. BURKE].

The question being taken, the amendment of Mr. BURKE was rejected.

The Clerk read as follows:

Sec. 42. Whoever shall take and carry away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or paid; or whoever shall present, use, or attempt to use, any such document, record, file, or paper so taken and carried away, in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, shall be fined not more than \$5,000, or imprisoned not more than ten years, or both.

Mr. RUSSELL of Missouri. I wish to offer an amendment to section 42. I move to amend by inserting the word "fraudulently" in line 21, between the word "to" and the word "procure," and to insert the same word in line 5 on page 24, between "to" and the word "procure."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Section 42, page 24, line 21, between the words "to" and "procure," insert the word "fraudulently." On page 25, line 5, after the second word, insert the word "fraudulently."

Mr. RUSSELL of Missouri. Mr. Chairman, I do not desire to take the time of the committee, except to say that under this law as now written a man might in good faith take documents belonging to the Government and yet violate this section of the statute. It seems to me that the question of fraudulent intent ought to exist before any man is convicted of crime. I ask simply to insert the word "fraudulently," so that it will read:

To fraudulently procure payment of money from or by the United States.

Otherwise it does not seem to me that a man ought to be convicted if he was acting in perfect good faith.

Mr. PARSONS. Why should he be allowed to take papers belonging to the Government? The committee ask that the amendment be voted down.



Mr. RUSSELL of Missouri. Some officer of the Government that has charge of papers might take them, not having the right to do it, but thinking he had the right to do it, and act in perfectly good faith, and in that case ought not to be guilty of a crime. If there was no intention to defraud in taking the papers, I insist that he ought not to be found guilty of a crime.

Mr. GARRETT. Do not the words "without the authority of the United States" cover your objection?

Mr. RUSSELL of Missouri. No; a man might take them without authority and still might do it in good faith. He might think he had authority to do it, and he might be mistaken.

Mr. GARRETT. Would not the gentleman's proposition make it much more difficult to punish an officer for stealing papers?

Mr. RUSSELL of Missouri. I think he ought not to be convicted unless he takes them with the intent of defrauding—unless he intends to do some wrong. If he takes the papers in good faith without intending to reap any benefit from them, without intending to get any money from the Government wrongfully, it seems to me he ought not to be convicted.

Mr. GARRETT. Did the gentleman ever have any experience as the custodian of court papers?

Mr. RUSSELL of Missouri. No; I never had any experience as the custodian of court papers. I do not see what harm it can do if the officer takes them in good faith. If he simply makes an honest mistake, he ought not to be convicted of a crime. If he does it fraudulently, then he ought to be convicted.

Mr. GARRETT. If the gentleman from Missouri will pardon me, it is always difficult to prove the doing of an act fraudulently. The man might plead that he took the papers in complete forgetfulness, and it could not be proved that it was done with a fraudulent intent.

Mr. RUSSELL of Missouri. Our State statutes are full of things of that sort. The man who forges a note or other evidence of debt without intending to defraud anybody could not be convicted in our State courts. He must intend a wrong to somebody. Now I submit that under this section of the law a man might in good faith be the custodian of a paper and take it wrongfully under the law and not intend any wrong. If he did not intend any wrong, I do not think he ought to be convicted. It will improve the section to insert the word "fraudulently."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and on a division (demanded by Mr. RUSSELL of Missouri) there were—ayes 34, noes 53.

So the amendment was lost.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 43. No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than \$2,000 and imprisoned not more than two years.

Mr. BRODHEAD. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

In line 18 of section 43, after the word "firm," insert "and no director or attorney or counsel of any company or corporation engaged in interstate commerce shall be eligible to the office of Representative in the Congress of the United States while acting as such attorney or counsel or director."

Mr. PARSONS. Mr. Chairman, I make the point of order against that that it is not germane.

The CHAIRMAN. The Chair will hear the gentleman from New York on his point of order.

Mr. PARSONS. Mr. Chairman, the amendment as I understood it related to the qualifications of Members of Congress. This section does not relate to the election of Members of Congress in any way whatever, but simply to the matter of who shall transact the business with the Government. The object of the amendment is to introduce into this section some legislation on a matter to which the section does not in any way relate.

Mr. PAYNE. Is not the amendment really an amendment to the Constitution of the United States, as that describes the qualifications and leaves each House the judge of the qualifications of its own Members?

Mr. GAINES of Tennessee. Mr. Chairman, the first line of section 43 reads thus:

No officer or agent of any banking or other commercial corporation, etc.

You will note the words "or other commercial corporation." Will anybody for an instant contend that an interstate railroad is not a "commercial corporation?" Why of course it is. The amendment is entirely germane and only elaborates the law and it ought to be a law.

I remember in the history of my own time here in Congress of a distinguished lawmaker, a Member of the other body of Congress, an attorney for a noted interstate commercial corporation which was being attacked at the time, as I remember the facts, before the United States courts for some wrong done—possibly a restraint of the interstate trade—and he was the chief counsel and the counsel of record. Mr. Chairman, of course, I am not now discussing the parliamentary proposition, but while I have the floor I want to say this, that under our interstate antitrust law Members of Congress are not allowed, as Members, to use free passes in interstate travel, but if they are Members of Congress and also "railroad lawyers," they can and do use free interstate passes, I am told. At all events the newspapers state that as a fact. I think the matter has come to the attention of the Interstate Commerce Commission.

If a man is a member of Congress, Mr. Chairman, he ought to be a disinterested lawmaker, and how can he be a disinterested lawmaker, whether he is a Democrat or a Republican, if he is the retained counsel of any interstate commercial corporation, and particularly one that receives its franchises, its land grants, its privileges, its legal existence, under and by virtue of the Federal Government? I introduced a bill a few days ago to prohibit this. Are we not here every day, or certainly every session, dealing with franchises that the Federal Government grants to interstate concerns—telegraphs, telephones, railroads, and steamboats? And I say, Mr. Chairman, that in justice to the high office that a Member fills, in justice to the public service, he should be entirely disinterested—disconnected from his client. Why, in the old days, as I recollect it—and if I am wrong somebody will correct me—a director or stockholder in a national bank was not allowed to be a Member of Congress. Suppose, now, that was the law now. How many Members of Congress would be driven out of Congress? How many would be eligible for reelection? I do not mean to say that because a man is a banker and a Member of Congress at the same time he is dishonest—not by a long shot; but I do say that when he is a banker and has to deal with a great banking question, such as we have to-day confronting us, he himself should not be a stockholder in a national bank and a member of the Banking and Currency Committee. John Quincy Adams sold his bank stock before he would take the oath as a Member of this House. It has been stated, Mr. Chairman, in a magazine in the last few weeks, which I read myself, that a leading lawmaker in the other end of the Capitol, a member of a committee, held a million dollars of stock in the "tobacco trust"—

Mr. NORRIS. Will the gentleman yield to a question?

Mr. GAINES of Tennessee. Certainly.

Mr. NORRIS. Did I understand the gentleman to say that a man who was a director in a national bank could not be a Member of Congress?

Mr. GAINES of Tennessee. No; I said away back yonder, before either of us was born, way back before the civil war—

Mr. NORRIS. I understood the gentleman said that a man who was a director in a national bank was disqualified.

Mr. GAINES of Tennessee. No; I was simply saying that years ago my recollection is that a stockholder in a bank was not allowed to be a Member of Congress.

Mr. FOSTER of Vermont. Will the gentleman yield to a question?

Mr. GAINES of Tennessee. Yes.

Mr. FOSTER of Vermont. Does the gentleman think that the same rule ought to apply to one who is interested in a tobacco plantation or a tobacco manufacturing concern?

Mr. GAINES of Tennessee. I know that my good friend may be hitting at me personally, but when I was a farmer I raised everything on the farm but tobacco.

Mr. FOSTER of Vermont. Then it does not hit the gentleman.

Mr. GAINES of Tennessee. And I want to say, furthermore, that if the tobacco bill which passed the House had been referred to me as a committeeman and I had stock in the tobacco trust, as was the case with some in the other end of the Capitol, this magazine article states, I would have gotten off the committee.

Mr. FOSTER of Vermont. But that is not an answer to the question.

Mr. GAINES of Tennessee. And I say that common decency should have prompted those at the other end of the Capitol, some of whom have died and gone to their reward, to do so; but they sat there hearing our tobacco bill with tobacco trust

bonds or stock in their pockets and to their credit— [Applause on the Democratic side.]

Mr. FOSTER of Vermont. That does not answer the question.

Mr. GAINES of Tennessee. And the inventory of the estate of one of this committee showed that when it was brought to light in the courts of the country, and that is one of the reasons why we were not able to get that bill through the Senate. I have no investments whatever in tobacco in any shape, and never had.

Mr. PAYNE. As I understand it, the question is on the point of order. I hope we will have a ruling.

The CHAIRMAN. The Chairman will rule that the amendment of the gentleman is an added limitation to the limitations stated in section 43, and is germane.

Mr. SHERLEY. Mr. Chairman, I desire to speak, then, in opposition to the amendment offered by the gentleman from Pennsylvania. As I heard it read from the Clerk's desk, it undertakes to disqualify as a Member of Congress any officer or attorney of a corporation engaged in interstate commerce. Any attempt to add any qualification or disqualification other than those contained in the Constitution in regard to a Member of Congress, and undertaking to take from the House itself the right to judge of its membership, in my mind, would be unconstitutional. I do not believe we ought to exclude any class of people from being Members. Of course, I am in hearty accord with the suggestions made by the gentleman from Tennessee [Mr. GAINES] that no Member ought to vote upon matters in which he is personally interested, but if we exclude from membership all men who may be interested in matters that may sometimes come before Congress, we will not have any Members left in Congress.

[Cries of "Vote!"]

Mr. BRODHEAD and Mr. GAINES of Tennessee rose.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. BRODHEAD].

Mr. BRODHEAD. Mr. Chairman, I regret very much that this amendment, which I have just offered, has not been sufficiently studied by me. It was a sudden impulse, perhaps an inspiration, that came to me when I listened to the eloquent remarks of the gentleman from New York [Mr. COCKRAN] and those of the other gentleman who so well portrayed the evils of bribery.

It seems to me that one of the chief objections to bribery is that a man thereby is unduly influenced. A man might be bribed to do right. And it also might be that a man could be unconsciously bribed by his own interests. And when I recall the fact that no juror is permitted to sit in the jury box in Pennsylvania where a corporation is a defendant or a plaintiff wherein that juror has an interest as a stockholder or a director, and when I recall also the fact that there is no judge in all the State of Pennsylvania who will sit and listen to a case in which a corporation of which he is a stockholder is a party, it occurs to me that neither should we sit here and pass upon laws pertaining to corporations engaged in interstate commerce in which we might be personally interested as an officer or attorney. I do not say interested merely as a stockholder, but as a director or as an attorney—necessarily, therefore, a paid attorney. It seemed to me that a man placed in that position might be unconsciously influenced in his own behalf or in behalf of such corporation and not act openly, freely, and fearlessly in the interests of the whole people. This idea has suddenly occurred to me, and I am not prepared to discuss it in the manner in which I think it should be discussed. My intention and purpose must be very clear. It seemed to me to be following out the spirit of this section 43, which is to restrain an officer or an agent of a corporation from being an officer or agent of the United States at the same time and transacting business with that corporation. Carrying that same spirit a little further was the object I had in offering this amendment, so that no Member of Congress could be a Member and at the same time a director of a corporation doing interstate commerce.

Mr. SHERLEY. Will the gentleman yield to a question?

Mr. BRODHEAD. Without showing any discourtesy to the gentleman from Kentucky I must decline to yield at this time. [Laughter.] I am not prepared at present to defend the constitutionality of this amendment, but I am prepared to defend the honesty of its purpose. [Applause.]

Mr. MACON. Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman from Pennsylvania [Mr. BRODHEAD], and I think if it is adopted it will give the people a better chance when their affairs and the affairs of the great corporations of the country are pitted against each other in this House. During the short period of time that I have had the honor of being a Member of the House I am free to say that

I have had suspicions that caused me to believe that Members who were attorneys for railroads were influenced more or less, either consciously or unconsciously, in the action that they took in regard to certain measures pending before Congress. The great railroad interests of the country are powerful, and they are careful to send their attorneys to Congress at every opportunity, and we know that if they were to cast a single vote against the special interests of the railroads where their special interests seemed to clash with the interests of the people that they would lose the high salaries paid them by the railroads, and hence, rather than lose their salaries, they always act with partiality toward their masters when their interests seem to be arrayed against the interests of the people. That being the case, sir, will Members insist that attorneys while in the employ of great corporations are proper persons to vote upon measures pending before this body where the people's interests are arrayed upon one side and the corporation interests upon the other?

If it is our desire to see Representatives upon this floor who represent the people, Representatives who are not biased in favor of or controlled by the great corporations of the country, we ought to be willing to let this provision go into this bill at this time. To meet the observation of the gentleman from Kentucky [Mr. SHERLEY] and of the gentleman from New York [Mr. PAYNE], who insist that Congress is the sole judge of the qualifications of its Members, and hence the amendment would be unconstitutional if we were to adopt it, I want to ask, in the name of common sense, how Congress can more fittingly prescribe the qualifications of its membership than by enacting a law saying who shall be qualified and who not? Oh, you may say that the next Congress will be the judge of the qualifications of its membership under the Constitution. Then, that being the case, and the next Congress wants railroad attorneys to sit here as Members of Congress, let them repeal this provision and they can say so; but unless we want them to sit as Members we ought to incorporate this amendment into the law of the country, and not give our sanction to the practice of permitting railroad attorneys to act upon questions where the interests of the people are on one side and the interests of the railroad corporation are on the other. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. BRODHEAD. Division!

The committee divided, and there were—ayes 37, noes 67.

So the amendment was lost.

Mr. BRODHEAD. Mr. Chairman, I offer an amendment. I desire to change the phraseology of the amendment in one way different from that already offered, and which is much better.

The Clerk read as follows:

Amend by inserting the following after the word "firm," in line 18, section 43: "And no Member of Congress shall during his term of office be an officer, director, or attorney of any company or corporation engaged in interstate commerce."

Mr. PAYNE. I make the point of order against the amendment that it is not germane. Here is a section that is simply prescribing a degree of crime for the violation of a section providing that he shall not be a director and agent of the Government. Now it can not be germane to say that a Member of Congress shall not do so. It can not be germane.

Mr. DE ARMOND. Mr. Chairman—

The CHAIRMAN. The Chair is prepared to rule on the point of order made by the gentleman from New York.

Mr. DE ARMOND. If the Chair is prepared to overrule it, I would like to be heard.

The CHAIRMAN. The Chair is prepared to rule.

Mr. DE ARMOND. If the Chair is prepared to overrule it, I would like to be heard.

The CHAIRMAN. The Chair will hear the gentleman from Missouri briefly.

Mr. DE ARMOND. Mr. Chairman, we all understand very well, of course—

Mr. PAYNE. If I can, I will withdraw the point of order.

Mr. DE ARMOND. Better not.

The CHAIRMAN. The Chair is prepared to rule on the point of order, and will sustain the point of order on the amendment offered by the gentleman from Pennsylvania, because the question of the qualification of Members of Congress is not germane.

Mr. DE ARMOND. Mr. Chairman, I thought I was to have a little opportunity to be heard.

The CHAIRMAN. The Chair has already ruled on the point of order.



Mr. DE ARMOND. Well, now, Mr. Chairman, inasmuch as the Chairman recognized me and took me off my feet, I would like to say a few words, anyhow.

The CHAIRMAN. The gentleman may ask unanimous consent.

Mr. DE ARMOND. No, sir; I was on my feet.

The CHAIRMAN. Then the gentleman may take an appeal.

Mr. DE ARMOND. I was on my feet and was recognized by the Chair and recognized on the point of order. Now, I want to know why the Chair took me off my feet.

The CHAIRMAN. The Chair said he would hear the gentleman very briefly, and then the gentleman who offered the point of order asked to withdraw it. The Chair was prepared to rule.

Mr. DE ARMOND. Yes; but the point I am on is this—

Mr. DALZELL. Regular order!

Mr. DE ARMOND. This is the regular order.

The CHAIRMAN. The gentleman is out of order.

Mr. DE ARMOND. What I desire to say is this: I was upon my feet addressing the Chair upon the point of order and was recognized by the Chair for that purpose. He said he would hear the gentleman from Missouri; then he took me off my feet.

The CHAIRMAN. The Chair stated he would hear the gentleman very briefly, and heard him briefly, and has been prepared to rule and has ruled; but the Chair will hear the gentleman.

Mr. DE ARMOND. Very well. This is very largely a matter of vindication of parliamentary rights. I will not address myself to the point of order with the hope of the chairman changing his mind, for we all know how tenacious we are of our own opinions and judgment after we have announced the opinion and pronounced the judgment; nevertheless I submit that the amendment offered by the gentleman from Pennsylvania is not a proposition to add to or change the qualifications of a Member of Congress, but goes solely to his conduct while he is a Member of Congress.

Perhaps the chairman may not appreciate the particular distinction, but it is very clear in my mind. There are certain things, of course, which Congress can prohibit with reference to Members of Congress as well as with reference to other people. The question as to the qualifications of Members of Congress goes to their admission after they have been elected. Questions that go to the conduct of a Member of Congress, while acting as such, have nothing whatever to do with the constitutional requirements to make him eligible for election to Congress.

Now, the proposition submitted by the gentleman from Pennsylvania is this, that a Member of Congress, in the judgment of Congress, if this amendment were adopted, would so far depart from his duties as a Member of Congress, if he were also to serve a corporation engaged in interstate commerce, as that his dereliction ought to be denounced and punished under this section. If that has anything to do with the question of how old a man shall be, how long he shall have resided in this country, or anything else that goes to constitutional qualification, I confess my inability to see it. I do not know whether the Chairman would care to consider the matter, but if he does I should like to direct his attention plainly to this point, that there is not a thing in the amendment that goes to the question of qualification for membership here; that it goes solely to the conduct of the qualified person after he is a Member here.

Now, if it is competent for Congress to legislate upon the subject of what a man may do or what he may not do here, then it is competent to legislate in regard to this matter. If it is competent for Congress to provide that one who is here as a Member and who also has the relationship of employment, or close identification in some other way, with a corporation engaged in interstate commerce, shall be prohibited from voting upon a proposition involving the very company with which he is connected and his own interests, it is also competent for Congress, by legislation, to provide that he shall not have that connection at all while he is here. He is not compelled to come to Congress; but under this provision, if adopted, he would be compelled to choose between the antagonistic corporation employment and the public duty of a Congressman. It may be that that goes to the qualifications of a Member, and it may be that it does not. I think it does not.

Mr. FINLEY. The gentleman is well aware, I am sure, that Congress has enacted a law making it a crime for a Member of Congress to practice before the Departments.

Mr. DE ARMOND. I think the suggestion made by my friend from South Carolina is very pertinent. There is nothing in the constitutional provision in regard to the qualification

of a Member that in any way touches upon the question whether he may practice before one of the Departments, and yet we know that quite lately a Member of the body at the other end of this Capitol resigned after indictment and conviction for violating a Federal statute against such employment and service after he became and while he was a Member of Congress. Talk about that being a question of eligibility or constitutional qualification! Notwithstanding the ruling which the Chairman made, I think improvidently and without properly considering the merits of this case, I do not wonder at the gentleman from New York [Mr. PAYNE] showing a readiness to withdraw the point of order, which has absolutely nothing in it. [Cries of "Vote!" "Vote!"] I have no doubt a vote would be a very good thing, but a correct decision of this subject would be a better thing. [Applause.]

The CHAIRMAN. Section 43 does not refer to Members of Congress at all, but refers to officers and agents of corporations. The former ruling of the Chair will be adhered to.

Mr. BRODHEAD. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, on a division (demanded by Mr. BRODHEAD) there were—ayes 73, noes 59.

Mr. BRODHEAD. I call for tellers.

Tellers were ordered, and the Chairman appointed Mr. Moon of Pennsylvania and Mr. BRODHEAD.

The committee again divided, and the tellers reported—ayes 79, noes 62.

Accordingly, the decision of the Chair was sustained.

The Clerk read as follows:

SEC. 45. Whoever shall procure or entice any artificer or workman retained or employed in any arsenal or armory to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States, or whoever, after due notice of the engagement of such workman or artificer, during the continuance of such engagement, shall retain, hire, or in anywise employ, harbor, or conceal such artificer or workman, shall be fined not more than \$50, or imprisoned not more than three months, or both.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word. I want to call the attention of the committee to the fact that this section provides that—

Whoever shall procure or entice any artificer or workman retained or employed in any arsenal or armory, to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States; or whoever, after due notice of the engagement of such workman or artificer, during the continuance of such engagement, shall retain, hire, or in any wise employ, harbor, or conceal such artificer or workman, shall be fined not more than fifty dollars, or imprisoned not more than three months, or both.

I call the attention of the House to that statute for this reason: The Attorney-General of the United States has recently, I understand, indorsed a report of a special agent which declared that a statute of the State of Mississippi precisely on all fours with this, except that it applies to men who have made a contract for a year to work a cotton crop and to those who shall persuade or entice them to depart from the same during the continuance of the contract or shall "hire or employ" them during the continuance of the contract, is in effect peonage. That statute has been denounced as a statute authorizing peonage.

Here is a statute of the United States applicable to workmen—not soldiers, not sailors, but workmen engaged in an industrial pursuit, and it prescribes punishment for precisely the same defined offense as does this Mississippi statute. I want the country to know that if the Mississippi statute of employment be peonage, the United States statute for the workmen employed by the United States in arsenals and armories is also peonage. [Applause.]

Mr. WEBB. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after "armory," in line 2, "while war exists between the United States and another power."

Mr. WEBB. Mr. Chairman, that amendment will relieve the section of an objectionable feature somewhat, and relieve it from being construed strictly as a peonage section. But as the section stands it is one of the peculiarities that we find in the Federal law. It certainly smacks of peonage, which certain parties seem anxious to destroy in the South. Lawyers will notice that an accessory is denounced by this section, while the man who breaks the contract—that is, the principal—is guilty of nothing. In other words, the principal, the person who breaks the contract, is guilty of no offense, but the man who persuades him to quit work and break his contract is guilty of a misdemeanor. There is nowhere in our statutes any law against a man who quits work in an armory as an artificer or

workman, whether he quits voluntarily or upon enticement, but it is a crime under this section to induce him to leave. There ought not to be such an incongruity in our statutes. It was passed in 1800. You might as well imprison one who induces robbery and let the robber go free. You ought either to adopt this amendment to make it a crime for the artificer to quit during war, or repeal the whole section. It is a dangerous section as it stands, and therefore I have offered the amendment, which provides that if the inducement occurs while war exists, he shall then and there only be guilty of a misdemeanor, and I do not see why the amendment should not be adopted. The whole section should be stricken out, but the adoption of my amendment will pull its worst fangs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and on a division (demanded by Mr. WEBB) there were—ayes 39, noes 62.

So the amendment was lost.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and Mr. DALZELL having resumed the chair as Speaker pro tempore, Mr. BANNON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11701) to codify, revise, and amend the penal laws of the United States, and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

Mr. BUTLER of Pennsylvania, by unanimous consent, was given leave of absence indefinitely, on account of illness in his family.

#### WITHDRAWAL OF PAPERS.

Mr. BONYNGE, by unanimous consent, was given leave to withdraw papers filed in support of H. R. 233, Fifty-ninth Congress, no adverse report having been made thereon.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 80. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Hernan Ulloa, of Costa Rica:

#### HOUSE JOINT RESOLUTION 88.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 88.

Mr. WILLIAMS. Mr. Speaker, without knowing what the resolution is, it is now after 5 o'clock, and for that reason I object.

Mr. SCOTT. I withdraw the request.

#### ADJOURNMENT.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Sabine River, Texas, and Louisiana—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for clothing and camp and garrison equipage for the Army—to the Committee on Military Affairs and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of shoal off Stuyvesant Harbor, Hudson River, New York—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Clerk of the House of Representatives, transmitting a list of reports to be made to Congress by public officers during the Sixtieth Congress—to the Committee on Rules and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a statement of promotions, appointments, and other changes made

in salaries paid from lump sums in the Department of Agriculture for the calendar year 1907—to the Committee on Expenditures of the Department of Agriculture.

A letter from the Acting Secretary of War, transmitting reports relating to the claim of D. E. Gilchrist, of Portsmouth, N. H., on account of damages to the steamer *Queen City*—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph H. Bean, administrator of estate of Joseph Bean, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mrs. Nannie Cogswell, Oscar W. Cogswell, John K. Cogswell, and Emma Cogswell, heirs of estate of O. H. Cogswell, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the Ohio River—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 8760) granting an increase of pension to Emily W. Tilley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12976) to correct the record of discharge of Capt. Amos Dahuff—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 12977) to correct the military record of Paris R. Winslow—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 12978) granting an increase of pension to Shadrack Hudson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12865) granting an increase of pension to Mary B. Rice—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 13428) to provide for increasing the limit of cost of the public building authorized to be erected at Crookston, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. GREGG: A bill (H. R. 13429) to provide for remodeling and enlarging the post-office and custom-house and appraisers' stores building and the erection of a new building for the custom officials at Galveston, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. CRUMPACKER: A bill (H. R. 13430) to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.—to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS of Georgia: A bill (H. R. 13431) to appropriate certain money for improvement of harbor at Savannah, Ga., and the Savannah River—to the Committee on Rivers and Harbors.

By Mr. CLARK of Florida: A bill (H. R. 13432) to provide for the erection of a subtreasury building and the establishment of a subtreasury at Jacksonville, in the State of Florida—to the Committee on Ways and Means.

Also, a bill (H. R. 13433) for a survey of the Suwanee River, in the State of Florida—to the Committee on Rivers and Harbors.

By Mr. FULTON: A bill (H. R. 13434) for the erection of a public building at Anadarko, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13435) for the erection of a public building in Alva, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13436) for the erection of a public building at El Reno, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13437) for the erection of a public building



at Oklahoma City, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13438) for the erection of a public building at Woodward, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. DAVENPORT: A bill (H. R. 13439) to provide for the construction of a military road at the United States cemetery at Fort Gibson, Okla.—to the Committee on Military Affairs.

By Mr. ADAIR: A bill (H. R. 13440) to provide for the purchase of a site and the erection thereon of a public building at Alexandria, in the State of Indiana—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13441) to provide for the purchase of a site and the erection of a public building thereon at Winchester, in the State of Indiana—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13442) to provide for the purchase of a site and the erection of a public building thereon at Decatur, in the State of Indiana—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13443) to provide for the purchase of a site and the erection of a public building thereon at Elwood, in the State of Indiana—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13444) to provide for the purchase of a site and the erection of a public building thereon at Bluffton, in the State of Indiana—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13445) to provide for the purchase of a site and the erection of a public building thereon at Portland, in the State of Indiana—to the Committee on Public Buildings and Grounds.

By Mr. PORTER: A bill (H. R. 13446) for the erection of a public building at North Tonawanda, Niagara County, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. RICHARDSON (by request): A bill (H. R. 13447) to amend section 549 of the postal laws of the United States, paragraph 3—to the Committee on the Post-Office and Post-Roads.

By Mr. ACHESON: A bill (H. R. 13448) to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site—to the Committee on Interstate and Foreign Commerce.

By Mr. LEAKE: A bill (H. R. 13449) to bridge the Newark Bay—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13450) to establish a light and fog signal in New York Bay at the entrance to the dredged channel at Greenville, N. J.—to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: A bill (H. R. 13451) to provide a tax upon all dowries, gifts, settlements, or advances of property made in consideration of or in contemplation of marriage by citizens or subjects of the United States of America to persons other than citizens or subjects of the United States of America—to the Committee on Ways and Means.

By Mr. JONES of Washington: A bill (H. R. 13452) authorizing and directing the Secretary of the Navy to construct and equip subsurface or submarine torpedo boats to be stationed in the waters of Puget Sound, State of Washington, and for other purposes—to the Committee on Naval Affairs.

By Mr. BOWERS: A bill (H. R. 13453) to distribute the surplus in the Treasury of the United States to the several States and Territories and the District of Columbia for the sole purpose of improving the roads therein—to the Committee on Ways and Means.

Also, a bill (H. R. 13454) to appropriate \$500,000 for the prosecution and extension of the work of the Bureau of Soil Surveys in the Department of Agriculture—to the Committee on Agriculture.

By Mr. ROBINSON: A bill (H. R. 13455) to authorize and provide for the investigation and survey of swamp, wet, and overflowed land, and to devise plans and systems of drainage therefor—to the Committee on Agriculture.

By Mr. HAYES: A bill (H. R. 13456) to amend section 3255 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. ELLERBE: A bill (H. R. 13457) to provide for the erection of a monument to Brig. Gen. Francis Marion—to the Committee on the Library.

Also, a bill (H. R. 13458) for the erection of a public build-

ing at Darlington, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: A bill (H. R. 13459) to provide for the erection of a public building at Sewickley, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. MANN: A bill (H. R. 13460) supplemental to the food and drugs act, June 30, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. LEE: A bill (H. R. 13461) appropriating \$20,000 to construct a Government road from Chickamauga National Park to the Government rifle range, in Catoosa County, Ga.—to the Committee on Military Affairs.

By Mr. WEEMS: A bill (H. R. 13462) for the erection of a Federal building for the United States at Steubenville, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. RYAN: A bill (H. R. 13463) amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. MOORE of Pennsylvania: A bill (H. R. 13464) granting a service pension to all officers and enlisted men of the United States Army, Navy, and Marine Corps, both Regular and Volunteer, who have been awarded medals of honor or who may hereafter be awarded such medals, under acts of Congress approved December 21, 1861, and so forth—to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 13465) to amend the laws concerning transportation between ports of the Territory of Hawaii and other ports of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. MUDD: A bill (H. R. 13466) authorizing the President of the United States to purchase the Chesapeake and Delaware Canal—to the Committee on Railways and Canals.

By Mr. BENNET of New York: A bill (H. R. 13467) constituting a commission to investigate diplomatic and consular affairs—to the Committee on Foreign Affairs.

By Messrs. DALZELL, BURKE, BARCHFELD, and GRAHAM: A bill (H. R. 13468) providing for the erection of a post-office building at Pittsburg, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. ALLEN: A bill (H. R. 13469) for the purchase or construction of a vessel or launch for the customs service at and in the vicinity of Portland, Me.—to the Committee on Interstate and Foreign Commerce.

By Mr. CRAWFORD: A bill (H. R. 13470) authorizing a public building at Hendersonville, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. LAMAR of Missouri: A bill (H. R. 13471) prohibiting work in the District of Columbia on the first day of the week, commonly called Sunday—to the Committee on the District of Columbia.

By Mr. SMALL: A bill (H. R. 13472) to increase the limit of cost for the acquisition of a site and the erection of a public building thereon at Washington, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. GLASS: A bill (H. R. 13473) to amend section 3 of the public building act of June 30, 1906, so as to increase the cost of enlarging the public building at Roanoke, Va., to \$100,000—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Iowa: A bill (H. R. 13474) to amend the act of February 6, 1907, granting pensions to certain enlisted men, and officers, who served in the civil war or the war with Mexico—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 13475) to establish a United States court at Jackson, in the eastern district of Kentucky—to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: A bill (H. R. 13476) for the relief of the State of Pennsylvania—to the Committee on War Claims.

By Mr. ALEXANDER of New York (by request): A bill (H. R. 13477) to amend an act entitled "An act to amend an act entitled 'An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving wheel brakes, and for other purposes,' approved March 2, 1893, and amended April 1, 1896, approved March 2, 1903"—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE: Resolution (H. Res. 140) authorizing the Committee on the Merchant Marine and Fisheries to print—to the Committee on Printing.

By Mr. ANDREWS: Resolution (H. Res. 141) for the additional payment of the two messengers in the office of the disbursing clerk of the House—to the Committee on Accounts.

By Mr. HASKINS: Resolution (H. Res. 142) authorizing the appointment of a stenographer to the Committee on War Claims—to the Committee on Accounts.

By Mr. WILSON of Illinois: Resolution (H. Res. 143) for the appointment of an assistant clerk to the Committee on Enrolled Bills—to the Committee on Accounts.

Also, resolution (H. Res. 144) for the appointment of a janitor to the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. HOBSON: Joint resolution (H. J. Res. 98) to provide a consecutive naval programme—to the Committee on Naval Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 13478) granting an increase of pension to John W. Buchanan—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 13479) granting an increase of pension to John Q. Hickman—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 13480) granting a pension to Harris B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13481) granting an increase of pension to H. A. Van Epps—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 13482) granting a pension to Amos Jentry—to the Committee on Pensions.

Also, a bill (H. R. 13483) granting a pension to H. C. Doll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13484) granting a pension to Sebald V. Schlessinger—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 13485) granting an increase of pension to Samuel M. Henderson—to the Committee on Invalid Pensions.

By Mr. CALE: A bill (H. R. 13486) for the relief of Albert R. Heilig—to the Committee on Claims.

By Mr. CALDWELL: A bill (H. R. 13487) granting an increase of pension to Calvin M. Partlow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13488) granting an increase of pension to James P. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13489) granting an increase of pension to Valentine B. Hummel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13490) granting an increase of pension to Michael Walsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13491) granting an increase of pension to Abraham Pevyhouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13492) removing charge of desertion against John Young—to the Committee on Military Affairs.

Also, a bill (H. R. 13493) removing charge of desertion against John R. Butler—to the Committee on Military Affairs.

By Mr. CALDER: A bill (H. R. 13494) granting a pension to Sidney Raphael—to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 13495) for the relief of William T. Grady—to the Committee on Military Affairs.

By Mr. CANDLER: A bill (H. R. 13496) granting a pension to Mattie B. Romsey—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 13497) granting an increase of pension to James Cheffer—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 13498) granting a pension to Letitia Byrum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13499) granting an increase of pension to Isalah L. Crouch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13500) granting an increase of pension to Josiah Moyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13501) granting an increase of pension to Charles M. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13502) granting an increase of pension to William A. Mathes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13503) granting an increase of pension to William W. Templeton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13504) granting an increase of pension to Andrew J. White—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 13505) granting an increase of pension to N. A. Chamberlain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13506) granting an increase of pension to Charles C. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13507) granting an increase of pension to Asher Diltz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13508) granting an increase of pension to James S. Wigmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13509) granting an increase of pension to Clarence D. Hess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13510) granting an increase of pension to Mary A. Davidson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13511) granting an increase of pension to John Spies—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13512) granting an increase of pension to Thomas Connelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13513) granting an increase of pension to John G. Heckman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13514) to remove the charge of desertion from the military record of John J. McNaughton—to the Committee on Military Affairs.

Also, a bill (H. R. 13515) granting a pension to Oliver M. Reid—to the Committee on Pensions.

Also, a bill (H. R. 13516) granting a pension to Laura Newman—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 13517) granting an increase of pension to William Ogan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13518) granting an increase of pension to Charles D. Spencer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13519) for the relief of David P. Robinson and Thomas H. Robinson—to the Committee on Claims.

Also, a bill (H. R. 13520) for the relief of George Drake and Lillie Nelson—to the Committee on Claims.

By Mr. DARRAGH: A bill (H. R. 13521) granting an increase of pension to Edwin D. Childs—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 13522) granting a pension to Simon McKenzie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13523) granting an increase of pension to Charles E. Livingston—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 13524) granting a pension to Catharine Shoveland—to the Committee on Pensions.

Also, a bill (H. R. 13525) granting an increase of pension to Mary A. McDowell—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 13526) granting an increase of pension to Tarandocty Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13527) granting an increase of pension to Elizabeth Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13528) granting an increase of pension to Mary A. Farmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13529) granting an increase of pension to Ira McCrary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13530) granting an increase of pension to James K. Wesley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13531) granting an increase of pension to Thomas J. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13532) granting an increase of pension to Benjamin J. Bowman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13533) granting an increase of pension to Hiram Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13534) granting an increase of pension to Thomas M. Floyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13535) granting an increase of pension to W. R. Railey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13536) granting a pension to Granville W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13537) granting a pension to Cobb T. Berry—to the Committee on Pensions.

Also, a bill (H. R. 13538) granting a pension to Thomas McGee—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 13539) granting an increase of pension to Charles Holmes—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 13540) to remove the charge of desertion and correct the military record of James Wilson—to the Committee on Military Affairs.

By Mr. FOCHT: A bill (H. R. 13541) granting an increase of pension to William Martin—to the Committee on Invalid Pensions.

By Mr. FURNES: A bill (H. R. 13542) for the relief of the estate of Ramsey Crooks—to the Committee on Indian Affairs.

Also, a bill (H. R. 13543) for the relief of the estate of Ramsey Crooks—to the Committee on Indian Affairs.

Also, a bill (H. R. 13544) granting an increase of pension to Bridget Murphy—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 13545) for the relief of B. Jackman—to the Committee on Claims.



Also, a bill (H. R. 13546) granting an increase of pension to Charles Von Steinberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13547) granting an increase of pension to Henry B. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13548) granting an increase of pension to Sidney A. Ladd—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 13549) granting an increase of pension to Nancy E. Robinson—to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 13550) granting a pension to Ebby M. J. Hay—to the Committee on Pensions.

By Mr. GLASS: A bill (H. R. 13551) for the relief of heirs of James Jones, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13552) to carry out the findings of the Court of Claims in the case of Margaret M. Donnelly, widow of Edward W. Donnelly, deceased—to the Committee on War Claims.

By Mr. GRAFF: A bill (H. R. 13553) for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois—to the Committee on Ways and Means.

Also, a bill (H. R. 13554) for the relief of D. M. Sprague and William Tilton—to the Committee on War Claims.

Also, a bill (H. R. 13555) granting an increase of pension to Joseph N. Dawson—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 13556) granting a pension to Sarah M. Chadwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13557) granting a pension to Jennie F. Bieflins—to the Committee on Pensions.

Also, a bill (H. R. 13558) granting an increase of pension to Abby A. Brightman—to the Committee on Pensions.

By Mr. HACKETT: A bill (H. R. 13559) for the relief of heirs of William Haynes Kilby, deceased—to the Committee on War Claims.

By Mr. HALE: A bill (H. R. 13560) granting an increase of pension to Rufus M. Liggett—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 13561) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts—to the Committee on War Claims.

By Mr. HAYES: A bill (H. R. 13562) granting a pension to Patrick Dolan—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 13563) granting an increase of pension to Mary A. Hough—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 13564) granting a pension to Dessa Clough—to the Committee on Invalid Pensions.

By Mr. HITCHCOCK: A bill (H. R. 13565) granting an increase of pension to William G. Otis—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 13566) for the relief of John Thompson—to the Committee on War Claims.

By Mr. HOLLIDAY: A bill (H. R. 13567) granting an increase of pension to Eli Coopridge—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 13568) granting an increase of pension to William Durrut—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 13569) authorizing the Secretary of War to recognize Richard B. Herrin, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war—to the Committee on Military Affairs.

By Mr. ADDISON D. JAMES: A bill (H. R. 13570) granting a pension to Samuel T. Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13571) granting a pension to J. W. Wiloby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13572) granting a pension to Jane Lynne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13573) granting an increase of pension to John Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13574) granting an increase of pension to James W. Cannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13575) granting an increase of pension to John W. B. Huntsman—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 13576) granting an increase of pension to Jefferson Worster—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 13577) providing for resurvey of certain public lands in the State of Nebraska—to the Committee on the Public Lands.

By Mr. LAMAR of Missouri: A bill (H. R. 13578) granting

a pension to B. F. Dunivin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13579) granting an increase of pension to Hezekiah Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13580) granting an increase of pension to Francis M. Kittrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13581) granting an increase of pension to Moses H. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13582) granting an increase of pension to J. T. Hult—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13583) to correct the military record of V. B. Gatewood—to the Committee on Military Affairs.

By Mr. LAMB: A bill (H. R. 13584) granting an increase of pension to Gay Warren Schell—to the Committee on Pensions.

By Mr. LORIMER: A bill (H. R. 13585) for the relief of William P. Ryan—to the Committee on Claims.

By Mr. LOUDENSLAGER: A bill (H. R. 13586) for the relief of William Radcliffe—to the Committee on Claims.

By Mr. LOWDEN: A bill (H. R. 13587) granting an increase of pension to John A. Binniger—to the Committee on Invalid Pensions.

By Mr. MCKINLEY of Illinois: A bill (H. R. 13588) granting an increase of pension to J. S. Prose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13589) granting an increase of pension to George M. Bence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13590) granting an increase of pension to Margaret A. McPheeters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13591) granting an increase of pension to George W. Drummond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13592) granting an increase of pension to Aaron Stevens—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 13593) authorizing the Secretary of the Interior to permit entry by George W. Grinnell, jr., John Grinnell, Charley Grinnell, and Ellen Grinnell, heirs of George W. Grinnell, deceased, of 640 acres of land—to the Committee on the Public Lands.

By Mr. MUDD: A bill (H. R. 13594) granting a pension to Andrea P. Caldwell—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 13595) granting a pension to Daniel Dye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13596) granting an increase of pension to James A. Noble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13597) granting an increase of pension to Israel Metzger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13598) granting an increase of pension to Ellet P. Goble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13599) granting an increase of pension to Edward R. Hatchett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13600) granting an increase of pension to E. F. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13601) granting an increase of pension to William T. Parrahm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13602) granting an increase of pension to William L. Rose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13603) granting an increase of pension to John Dunlavy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13604) granting an increase of pension to Lizzie Lena Pollock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13605) granting an increase of pension to William Sprout—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 13606) granting an honorable discharge to Augustus J. Fairbanks—to the Committee on Military Affairs.

Also, a bill (H. R. 13607) to correct the military record of Aaron S. Winner—to the Committee on Military Affairs.

By Mr. NYE: A bill (H. R. 13608) granting an increase of pension to Christian Bachman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13609) granting an increase of pension to Charles L. Deterly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13610) granting an increase of pension to William H. H. Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13611) granting an increase of pension to Mary J. Norton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13612) to correct the military record of John Moran—to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 13613) granting an increase of pension to Henry Mastilla—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13614) granting an increase of pension to W. D. Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13615) granting a pension to D. B. Crews—to the Committee on Invalid Pensions.

By Mr. PAGE: A bill (H. R. 13616) for the relief of the heirs of Joseph Graham Howie—to the Committee on Claims.

By Mr. PAYNE: A bill (H. R. 13617) for the relief of Edward W. Clark—to the Committee on Military Affairs.

Also, a bill (H. R. 13618) granting an increase of pension to Richard Welch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13619) granting a pension to Matilda Gams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13620) granting a pension to Anna Conklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13621) granting a pension to Francis Polmanteer—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 13622) granting a pension to Fannie L. McVey—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 13623) granting a pension to William A. Pollard—to the Committee on Pensions.

By Mr. RIORDAN: A bill (H. R. 13624) granting an increase of pension to Marzio Martini—to the Committee on Pensions.

By Mr. ROBINSON: A bill (H. R. 13625) granting an increase of pension to Stephen Konicka—to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 13626) granting an increase of pension to Lewis G. Forbes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13627) granting an increase of pension to George A. Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13628) granting an increase of pension to James C. Simmons—to the Committee on Pensions.

Also, a bill (H. R. 13629) for the relief of Samuel P. Dresser—to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 13630) granting a pension to Samantha Flint—to the Committee on Pensions.

Also, a bill (H. R. 13631) granting an increase of pension to Thomas Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13632) granting an increase of pension to Wilson W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13633) granting an increase of pension to Levi Ely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13634) granting an increase of pension to Wesley Pontious—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 13635) granting an increase of pension to Wallace J. Hill—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 13636) granting an increase of pension to James W. McMillen—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 13637) for the relief of the heirs of Lydia A. Hockensmith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13638) for the relief of the heirs of James L. Geaslen, deceased—to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 13639) granting an increase of pension to Hannah A. Arnett—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 13640) granting an increase of pension to Frederick Löffler—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 13641) granting an increase of pension to Martin Gibbons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13642) granting an increase of pension to Samuel W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13643) granting a pension to Margaret O'Brien—to the Committee on Invalid Pensions.

By Mr. WEEMS: A bill (H. R. 13644) for the relief of the Bridgeport National Bank, Bridgeport, Ohio—to the Committee on Claims.

By Mr. WILEY: A bill (H. R. 13645) for the relief of John S. May—to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Paper to accompany bill for relief of Lindsay Roop—to the Committee on Invalid Pensions.

By Mr. ADAIR: Petition of Commercial Telegraphers' Union of America, for Congressional investigation into the affairs of the telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of John Q. Hickman—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Joseph Marshall—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Andrew J. Hogee—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Charles W. Fowler (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. BURLEIGH: Petition of Wholesale Merchants' Association of Portland, Me., for a reclassification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Papers to accompany bills for relief of Catherine Le Roy and Frank Burt—to the Committee on Invalid Pensions.

Also, petition of Maritime Association of Port of New York, for Senate bill (S. 25) to promote the efficiency of the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Maritime Association of Port of New York, for H. R. 31, for a light and fog signal in New York Harbor, on Governors Island—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of William E. Brown—to the Committee on Invalid Pensions.

By Mr. CHANEY: Papers to accompany bills for relief of William W. Templeton and Isaac Crouch—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: Petition of National Guard Association of Pennsylvania, against wearing uniform of Army or Navy by unauthorized persons—to the Committee on Military Affairs.

By Mr. DARRAGH: Petition of the Business Men's Association of Traverse City, Mich., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Rose Barton—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of Henry Siebert Post, No. 250, Grand Army of the Republic, of Wilton Junction, Iowa, for Dawson bill to increase widows' pensions—to the Committee on Invalid Pensions.

Also, petition of Frank Jones, of Maquoketa, Iowa, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Maritime Association of Port of New York, for H. R. 31, for a light and fog signal on Governors Island—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Maritime Association of Port of New York, for Senate bill (S. 25) for a more efficient life-saving service—to the Committee on the Merchant Marine and Fisheries.

By Mr. DUNWELL: Petition of Maritime Association of Port of New York, for H. R. 31, for a light and fog-signal station on Governors Island, New York Harbor, and Senate bill 25, for more efficient life-saving service—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of Catherine McHale—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: Papers to accompany bills for relief of Tarandocty Owens, Thomas M. Floyd, and Cobb T. Berry—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Maritime Association of the Port of New York, for H. R. 31, for a light and fog signal in New York Bay, on Governors Island—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Maritime Association of New York Harbor, for Senate bill 25, for promotion of efficiency of Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, a petition of Chamber of Commerce of Milwaukee, against House bill 10576, prohibiting speculative dealings in grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Association of State Universities, for national forest reserve in Appalachian and White mountains—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of Maritime Association of Port of New York, for Senate bill 25, to promote efficiency of Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOCHT: Papers to accompany bills for relief of Elizabeth Sheaffer and Martin L. Protzman—to the Committee on Invalid Pensions.

By Mr. FOSTER: Petition of A. J. Moody and 15 others citizens of Ontario, Cal., for change in rules and regulations governing administration of Chinese-exclusion laws so far as



those laws relate to excepted classes of Chinese—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of F. A. Denney, of Rockford, Ill., for a parcels-post law and postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Association of State Universities, for a forest reserve in the Appalachian Mountains and White Mountains—to the Committee on the Public Lands.

Also, petition of T. S. Terry Post, No. 463, Grand Army of the Republic, of Shabbona, Ill., for the McKinley pension bill (H. R. 4862)—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Mrs. Nancy E. Robinson—to the Committee on Pensions.

Also, paper to accompany bill for relief of heirs of James Marshall—to the Committee on War Claims.

Also, paper to accompany bill for relief of Sarah H. Morton—to the Committee on War Claims.

By Mr. GARRETT: Paper to accompany bill for relief of Ebbby M. J. Hay—to the Committee on Pensions.

By Mr. GOULDEN: Paper to accompany bill for relief of Ann E. Pape—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of National Guard Association of Pennsylvania, against wearing United States Army and Navy uniforms by unauthorized persons—to the Committee on Military Affairs.

Also, petition of Pharmaceutical Association of Bedford Springs, Pa., for amendment of Sherman law, so that reasonable trade agreements and associative efforts may be recognized and protected—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE: Petition of Navigation Conference, for a national harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. HACKETT: Paper to accompany bill for relief of estate of W. Haynes Kilby—to the Committee on War Claims.

By Mr. HAGGOTT: Paper to accompany bill for relief of Pete Jalovac (previously referred to the Committee on Invalid Pensions)—to the Committee on Claims.

By Mr. HASKINS: Petition of retail dealers of Springfield, Vt., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAWLEY: Paper to accompany bill for relief of Col. James Jackson—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of James Walker (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. HAYES: Paper to accompany bill for relief of Patrick Dolan—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Petition of Nebraska State Railway Commission, to amend interstate-commerce act so as to give broader powers to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Dessa Clough—to the Committee on Invalid Pensions.

By Mr. HOBSON: Paper to accompany bill for relief of John Thompson—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Combs Hendrickson—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: Petition of Commercial Club of Des Moines, Iowa, for amendment to interstate rate law to prevent change in rates without supervision of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. OLLIE M. JAMES: Paper to accompany bill for relief of John W. B. Huntsman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John C. Johnson—to the Committee on Pensions.

Also, paper to accompany bill for relief of James W. Cannon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Green River Battalion of Kentucky Capital Guards—to the Committee on Military Affairs.

By Mr. KELIHER: Petition of National Guard Association, in favor of legislation providing for extra officers in the Army—to the Committee on Military Affairs.

By Mr. LAMB: Paper to accompany bill for relief of Mrs. Gay Warren Schell—to the Committee on Pensions.

By Mr. McALL: Petition of Society of Arts of the Institute of Technology of Boston, favoring forest-reserve bill—to the Committee on Agriculture.

By Mr. MCKINNEY: Petition of 37 soldiers of La Harpe, Ill.,

favoring the Hamilton pension bill, granting \$1 per day to all soldiers who served eighteen months or over—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petition of Pennsylvania Pharmaceutical Association, for amendment to Sherman law, so that reasonable trade agreements and associative efforts may be recognized and protected—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Guard Association of Pennsylvania, against the improper use of the uniform of the United States—to the Committee on Military Affairs.

Also, petition of Joint Executive Commission on the Improvement of Harbor of Philadelphia, for appropriation for 35-foot channel from Allegheny avenue to deep water in Delaware River—to the Committee on Rivers and Harbors.

Also, petition of Post No. 1, Pennsylvania Division, Travelers' Protective Association of America, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joint Executive Commission on the Improvement of Harbor of Philadelphia and Delaware and Schuylkill Rivers, for appropriation for survey to deepen Delaware River from Allegheny avenue, Philadelphia, to Trenton, N. J.—to the Committee on Rivers and Harbors.

By Mr. MOORE of Texas: Paper to accompany bill for relief of P. Gilbert—to the Committee on Invalid Pensions.

By Mr. MUDD: Petition of National Corps, Army and Navy Union, for increase of pay of officers and men of the Army and Navy—to the Committee on Military Affairs.

By Mr. NORRIS: Petition of Grand Island Council, No. 134, United Commercial Travelers, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. PADGETT: Paper to accompany bill for relief of W. D. Kelly—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mrs. Emma Wymer—to the Committee on Pensions.

Also, paper to accompany bill for relief of D. B. Crews—to the Committee on Invalid Pensions.

By Mr. PATTERSON: Papers to accompany bills for relief of heirs of Philip Kitching, G. R. Smook, heirs of W. F. Matthews, and heirs of Allen Fanning—to the Committee on War Claims.

By Mr. PEARRE: Petition of Baltimore Chamber of Commerce, for appointment of a nonpartisan tariff commission—to the Committee on Ways and Means.

By Mr. REYNOLDS: Papers to accompany bills for relief of Henry C. Weaver, Anna Veach, Ambrose Lindsay, and Henry Eash—to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of Maritime Association of the Port of New York, for H. R. 31, providing for a light and fog signal in New York Bay—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Maritime Association of Port of New York, for Senate bill (S. 25) to promote efficiency of the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. RYAN: Petition of National Association of Audubon Societies, for additional appropriation for Bureau of Biological Survey—to the Committee on Agriculture.

Also, petition of Chicago Association of Commerce, for bill improving the consular service—to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of State of New York, for appropriation to improve Pearl Harbor, Hawaiian Islands—to the Committee on Rivers and Harbors.

By Mr. SLAYDEN: Petition of William A. Rowan and 14 other volunteer officers of the civil war, for creation of a volunteer retired list—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of Connecticut Christian Endeavor Union, for various bills in behalf of temperance—to the Committee on Alcoholic Liquor Traffic.

By Mr. STERLING: Paper to accompany bill for relief of Ada Hammond Maxwell—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of C. C. Andrews and 130 other volunteer officers of the civil war, for the creation of a civil war officers' volunteer retired list—to the Committee on Military Affairs.

By Mr. VREELAND: Petitions of citizens of Olean, N. Y.; and Merchants' Exchange of Olean, N. Y.; also V. E. French and 22 others of Cuba, N. Y., and Business Men's Association of Wellsville, N. Y., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHBURN: Paper to accompany bill for relief of Delia E. Ahern (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. WEEMS: Papers to accompany bills for relief of Jacob Mercer, John T. Mercer, Nixon B. Stewart, and John L. Smith—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of L. S. Trobridge and 238 other volunteers of the civil war, of Michigan, for the creation of a volunteer retired list—to the Committee on Military Affairs.

## SENATE.

TUESDAY, January 14, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### REGENT OF SMITHSONIAN INSTITUTION.

The VICE-PRESIDENT appointed Mr. BACON a member of the Board of Regents of the Smithsonian Institution, as provided in section 5581 of the Revised Statutes of the United States.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 300) providing for second homestead entries, in which it requested the concurrence of the Senate.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 194) to authorize the county of St. Francis, in the State of Arkansas, to construct a bridge across the St. Francis River at or near the town of Madison, in said county and State, and it was thereupon signed by the Vice-President.

### PETITIONS AND MEMORIALS.

Mr. CURTIS presented petitions of sundry ex-volunteer officers of the civil war of Leavenworth, Topeka, Kansas City, Wamego, Ottawa, Parsons, Abilene, Junction City, Council Grove, Marion, Yates Center, Lyndon, Neosho Falls, Blue Rapids, Clay Center, Riley County, and Manhattan, all in the State of Kansas, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. GORE presented a petition of sundry members of the Choctaw and Chickasaw nations of Indians, praying for the enactment of legislation providing for an allotment of land to the children of said nations of Indians, which was referred to the Committee on Indian Affairs.

Mr. BRIGGS presented petitions of sundry citizens of Newark, Bayonne, Red Bank, Colliers Mill, Morristown, and Jersey City, all in the State of New Jersey, praying for the adoption of certain amendments to the present copyright law relating to musical compositions, which were referred to the Committee on Patents.

He also presented the petition of B. Fernow, of Togus, Me., praying for the enactment of legislation providing for a retired list in the War and Navy Departments of surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented memorials of New Brunswick Council, No. 257, of New Brunswick; of Lafayette Council, No. 514, of Dover; of Olive Branch Council, No. 463, of Newark; of Bayley Council, No. 629, of Elizabeth; of St. Anthony's Council, No. 943, of Butler; of Elizabeth Council, No. 253, of Elizabeth; of Trinity Council, No. 747, of Hackensack; of Princeton Council, No. 636, of Princeton; of Bloomfield Council, No. 1178, of Bloomfield; of Warren Council, No. 474, of Phillipsburg; of Kearny Council, No. 402, of Star of Bethlehem Council, No. 476, of Hoboken Council, No. 159, of Belleville Council, No. 835, of Belleville; all of the Order of Knights of Columbus, in the State of New Jersey, remonstrating against the enactment of legislation providing for the reclassification of second-class mail matter and the rates of postage thereon, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the C. A. Woolsey Paint and Color Company, of Jersey City, N. J., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the New Jersey State Association of Master Painters and Decorators, of Jersey City; of the Master Painters and Decorators' Association, of Trenton; of the Master Painters' Association, of Arlington, and of the West Hudson Master Painters' Association, of Arlington, of the

American Federation of Labor, all in the State of New Jersey, praying for the adoption of an amendment to the present pure food and drug law relative to the labeling of all materials used in paints, which were referred to the Committee on Manufactures.

Mr. KNOX presented a petition of the Presbytery of the Westmoreland United Presbyterian Church, of New Alexandria, Pa., praying for the enactment of legislation to place the motto "In God we trust" on all coins of the United States, which was referred to the Committee on Finance.

He also presented a petition of the Navigation Conference, of New York City, N. Y., praying that an appropriation be made for the improvement of the national harbor of refuge at Point Judith, Rhode Island, which was referred to the Committee on Commerce.

He also presented petitions of 85 citizens of Lycoming County, 20 citizens of Union County, 53 citizens of Chester County, 33 citizens of Concord Township, Delaware County, sundry citizens of Altenwald, sundry citizens of Canton Township, Bradford County, sundry citizens of Ward Township, Tioga County, sundry citizens of Potter County, sundry citizens of Dauphin County, sundry citizens of Montgomery County, sundry citizens of Northumberland County, sundry citizens of Granville Summit, West Branch Grange, Patrons of Husbandry of Germania; Oriental Grange, No. 165, Patrons of Husbandry, of Mill City; McKeanburg Grange, No. 1216, Patrons of Husbandry, of McKeanburg; Fairview Grange, No. 817, Patrons of Husbandry, of Nelson, sundry citizens of Susquehanna County, sundry citizens of York County, Chestnut Ridge Grange, No. 1133, Patrons of Husbandry, of Washington County; Coryville Grange, No. 1212, Patrons of Husbandry, of Coryville, all in the State of Pennsylvania, praying for the enactment of legislation to remove the tax of 10 cents per pound upon colored oleomargarine and placing it upon the same footing with the uncolored product, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of Mount Carmel Council, No. 628, Order of Knights of Columbus, of Mount Carmel; Ebensburg Council, No. 522, Order of Knights of Columbus, of Ebensburg; Damien Council, No. 598, Order of Knights of Columbus, of Mauch Chunk; Honesdale Council, No. 363, Order of Knights of Columbus, of Honesdale; Great Bend Council, No. 356, Order of Knights of Columbus, of Hallstead; Bristol Council, No. 906, Order of Knights of Columbus, of Bristol; Corry Council, No. 425, Order of Knights of Columbus, of Corry; Shenandoah Council, No. 618, Order of Knights of Columbus, of Shenandoah; Chartiers Council, No. 875, Order of Knights of Columbus, of Crafton; West Philadelphia Council, No. 344, Order of Knights of Columbus, of Philadelphia; Monessen Council, No. 954, Order of Knights of Columbus, of Monessen; Butler Council, No. 866, Order of Knights of Columbus, of Butler; Erie Council, No. 278, Order of Knights of Columbus, of Erie; Franklin Council, No. 1020, Order of Knights of Columbus, of Franklin; Trinity Council, No. 313, Order of Knights of Columbus, of South Bethlehem; Beaver Valley Council, No. 604, Order of Knights of Columbus, of Beaver Falls; Meadville Council, No. 388, Order of Knights of Columbus, of Meadville; Clearfield Council, No. 409, Order of Knights of Columbus, of Clearfield; Austin Council, No. 693, Order of Knights of Columbus, of Austin; Ridgway Council, No. 1064, Order of Knights of Columbus, of Ridgway; Sharon Council, No. 684, Order of Knights of Columbus, of Sharon; Warren Council, No. 964, Order of Knights of Columbus, of Warren; Braddock Council, No. 911, Order of Knights of Columbus, of Braddock; Plymouth Council, No. 984, Order of Knights of Columbus, of Plymouth; Allentown Council, No. 528, Order of Knights of Columbus, of Allentown; Isabella Council, No. 328, Order of Knights of Columbus, of Frankford, Philadelphia; Carbondale Council, No. 329, Order of Knights of Columbus, of Carbondale; St. Lawrence Council, No. 841, Order of Knights of Columbus, of Philadelphia; Renovo Council, No. 542, Order of Knights of Columbus, of Renovo, all in the State of Pennsylvania, remonstrating against the enactment of legislation providing for the reclassification of second-class mail matter and the rates of postage thereon; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the joint executive committee on the improvement of the Harbor of Philadelphia and the Delaware and Schuylkill rivers, of Philadelphia, Pa., praying for the enactment of legislation providing for a survey of the Delaware River for the purpose of determining the feasibility and cost of securing a channel of adequate width and 35 feet deep at mean low water, from Allegheny avenue, Philadelphia, to deep water in the Delaware Bay, which was referred to the Committee on Commerce.